

**Federal, State, and Intergovernmental Relations (FSIR) Meeting
Video Conference Call Meeting and In Person
February 10, 2023**

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

Others present: Council Member Marcano, S. Day, M. Hildebrand, R. Venegas, P.
O’Keefe, G. Koumantakis, R. Pena, J. Prosser, K. Kitzmann, C. Grant, L.
Rogers, L. Hettinger, A. Botham, M. Bryant, B. Mendoza, C. McDonald

1. CONSENT ITEMS: None.

2. APPROVAL OF MINUTES

January 27, 2023 meeting minutes were approved.

3. FEDERAL LEGISLATIVE UPDATE

Summary of Issue and Discussion: Lauri Hettinger presented this item.

L. Hettinger has been working on setting up more meetings for the upcoming DC trip at the end of February and early March with the whole delegation, White House Intergovernmental Affairs, DOT, HUD, and then also the Bureau of Juvenile Assistant, which is the BJ Director. There was a scheduled meeting with Congressman Crow and she was waiting to hear back from the Congressman.

The President gave the State of the Union last Tuesday. The House has been working on the guidelines for appropriations. She has not heard yet from the Senators, House, or Congressman Crow.

L. Rogers has assembled a group for possible earmark projects known as Community-designated Spending.

The Senate and House Committees held their very first hearings to kick off consideration of the FEA reauthorization bill, which would expire this year. Right now, the Senators and the Congressmen were asking for ideas on/or recommendations on what to put in the FEA reauthorization bill.

There have been a number of programs announced in the past couple of weeks aside from the DOJ BJA Program. One would be the Body-Worn Cameras. Second would be the National Sexual Assault Kit. A new program from DOT called Protect was also announced, this is to help deal with extreme weather events, including hurricane snow, drought, flooding, and shared that with the Public

Works team. In addition, the White House released the calendar for all the Inflation Reduction Act and IJA, the bipartisan infrastructure bill grant programs, and gave an estimated timeline for when they're going to be announced when the numbers come out.

The EPA and DOE were starting to ask for recommendations as they're implementing the Inflation Reduction Act programs. Yesterday, they asked for new programs for environmental justice. They included \$4 billion for various grant programs and put out a request for information. Last week, they put out a grant opportunity for local governments to collaborate with community organizations to find best practices to support those communities that were disproportionately affected by greenhouse gas emissions and pollution.

The House will be going into recess for the next two weeks. The Senate would be going in for one week before they recess for President's Day. They will spend next week for outreach.

Committee Discussion:

CM Zvonek asked for an update on reintroducing the Housing First Plus, as Mayor Hancock's team in Denver is interested in the program. He also asked if they could apply for grants for the fire departments to use chainsaws that are electric and have the power to do what they needed them to do, as opposed to using the gas operated. L. Hettinger stated that there was actually a grant application opportunity yesterday to hire additional firefighters. There was also another program called Assistance for Firefighters. She would look for existing programs related to the electric equipment. She also added that there was an energy efficiency conservation block grant program in IJA and suggested the cit could use it if they were interested in pursuing that. The applications would be due in late April, but they were notified in January on how much they would get. A plan on how the money would be spent would have to be presented.

CM Lawson asked if there was a Biden-Harries Community Intervention grant for public safety. J. Prosser stated it is Community Violence Intervention (CVI). L. Hettinger stated she would track it down. She also stated that the Housing Plus Act has not yet been introduced to the Congress.

R. Venegas stated it would be great to include a point person at HUD that could address CM Zvonek's housing request. would have some purview on CM Zvonek's request in HUD. CM Zvonek asked if there was somebody from their delegation that sat on a Committee of reference for Housing. L. Hettinger stated they don't have a member who's on that Committee.

Outcome: Information only.

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

4. STATE LEGISLATIVE UPDATE

Summary of Issue and Discussion: Peggi O'Keefe gave an update on this item.

P. O'Keefe gave recognition to Roberto and Liz. 300 bills have been introduced despite the fact that deadlines have passed, and another 400 bills would be introduced. They have gotten new legislators with new ideas and no stake holding on them.

The Governor has started the discussion on affordable housing that would address local land use and zoning. The Mayor came down to the Capitol last week and met with senate leadership to talk about what Aurora has been doing locally as well as concerns on potential infringements on local zoning. There has been no bills yet on this discussion but they have a meeting with the Governor's office next week for further discussion

Bill 1061 was the legislation around alcohol sales that was in Committee two days ago. Bill 1061 was amended where the Restaurant Association and the Tavern League were neutral on the bill. CML was planning to change the licensing fee provision from \$100 to \$200.

Auto theft bill was the legislation that removes that \$2,000 differential. The Council passed a resolution on it. The Capitol and many more gave support on this bill.

Couple of bills were introduced on fentanyl. The movement on this bill has not yet started, but there has been a lot of discussion regarding this bill.

Support-if-asked:

Summary of Issue and Discussion: Judge Shawn Day discussed some of his bills. Data-sharing bill would be set for hearing on February 22, 2023 of the House Judiciary, and they would be accepting testimony on this bill. It's a bill that creates a task force to discuss data-sharing amongst state courts and municipal courts. There has been a language in the bill that says that nobody on the task force would be compensated. The issue of hefty fiscal notes has been discussed for a long time between municipal courts and state courts. By bringing people together by legislation in the form of a task force would help people see the value of data sharing.

Committee Discussion:

CM Zvonek supported this bill. S. Day supported the inclusive task force as well. They have spent some time regarding the size of the task force and they were deliberate on the size of the task force as they wanted it to be inclusive and a workable number.

CM Lawson stated she heard that the judicial system had issues on the compensation clause that is referenced in the bill. She suggested that if the number of task force members have to be reduced more that should be advocated. S. Day agreed on the suggestion. He stated he would be open to any ideas and suggestions regarding the size of the task force.

S. Day added that Senate Bill 23-097, was introduced which relates to Motor Vehicle Theft. It is currently scheduled for hearing before the Senate Judiciary on 2/27. Two days ago, House Bill 23-1182, Remote Public Access to Criminal Court Proceedings, was introduced as well. The bill was about asking any court dealing with criminal proceedings to have virtual access proceedings. Initial reaction to this bill was that it would be a mandatory requirement. There was a case months

ago where the judge felt that the person who logged in anonymously to the WebEx broadcast of the trial could have been one of the witnesses, therefore, would be a violation of sequestration order. The example presented would be one of the examples of what could happen with this type of procedure.

Outcome: All members present supported the recommendation.

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

Opposed-if-asked:

M. Hildebrand pointed out why they would continue to limit the resources and abilities of their officers on the low level of guns. If having the ability to affect an arrest for a multitude of reasons would be taken away, it would limit the ability of the officers to do their job.

Committee Discussion:

CM Zvonek, CM Jurinsky, and CM Lawson supported the position.

Outcome: Information only.

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

5A. HB23-1123: MOVE OVER OR SLOW DOWN STATIONARY VEHICLE

Support-if-asked:

Summary of Issue and Discussion: Liz Rogers gave an update on the Child Name Deletion Bill.

The Child Name Deletion Bill has now a bill number. Police Chief Acevedo, the Mayor, and CM Lawson would be going to testify on this bill on February 13, 2023.

Committee Discussion:

P. O'Keefe stated that Senator Rodriguez has considered carrying an amendment that would give the members of the press an exemption to the bill. Senator Rodriguez stated that the issue was that this bill was not published by the press but by a government entity. The names were linked to an Arapahoe County Court Case and this was a First Amendment issue. P. O'Keefe wanted everyone to be aware of that issue for the February 13 hearing.

L. Rogers added that what the Press Association was asking for is for the implementation of a good case amendment to the bill, which would allow the courts to release the names of the juvenile witnesses or victims to crimes, which would then completely defeat the purpose of the bill. There was nothing in the bill that stops parents, guardians, or the kids themselves from

going to the press. L. Rogers stated that the police supported the position and had a hard line of what is and is not acceptable. They were taking steps to have this amendment never come to light.

CM Lawson wanted to know what was the context behind the amendment. L. Rogers stated they would have to revisit what happened. However, the recommendation was actively supported. If that would change, they would have to revisit the positioning.

R. Pena asked for the back-story of the bill with the Hinkley High School shooting. L. Rogers discussed that the Sentinel had published an article relating to that incident. In that article, the Sentinel linked it to court documents from the 18th Judicial District, which is Arapahoe County Court. When those court documents were linked, the documents had the names of the witnesses and victims of the shooting incident in them causing grief for the kids because their information was released to the public. This was why the bill was being introduced. It was put forward by Mayor Coffman and the City Attorney's office.

Chief Hildebrand asked if they would not be held responsible if a name was mistakenly given to them. He thought that the media could get off the hook of having any culpability on releasing information as provided to them or checking to ensure that the information given follows the guidelines of the bill. CM Zvonek agreed to Chief Hildebrand's statement. L. Rogers stated they were working hard to make sure the good cause amendment would not move forward.

CM Lawson, CM Jurinsky, and CM Zvonek did not provide their position on the recommendation.

Outcome: Information only.

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

Actively Support:

Summary of Issue and Discussion: Liz Rogers gave an update on the Senate Bill 23-097, House Bill 23-1132, and House Bill 23-1102.

Senate Bill 23-097 is the adoption of the motor vehicle offenses recommendation correlating to CM Zvonek's resolution that was brought forward weeks ago. The bill would increase penalties for auto theft and that would no longer be based on the value of the vehicle.

House Bill 23-1102 was the Alcohol and Drug Impairment Driving Enforcement. Under the current law, the Office of Transportation had created this grant program to help give funding to law enforcement for mitigating drunk driving. The bill would expand that program to alcohol and drug prevention programs, as well as ensuring that this program actually receives the funding that it's supposed to, as well as ensuring that this program actually receives the funding that it's supposed to.

Committee Discussion:

Chief Hildebrand wanted to know if the money that would be allocated to this and how would the law enforcement be able to access that money in the prevention aspect. P. O'Keefe stated she would ask how these would work for the law enforcement.

CM Zvonek stated it would expand the definition of drugs and alcohol. He also echoed Chief Hildebrand's question on how they would benefit from this.

CM Zvonek, CM Jurinsky, and CM Lawson stated they would support the recommendations.

Outcome: Information only.

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

Actively Opposed:

Summary of Issue and Discussion: Liz Rogers discussed Senate Bill 23-111.

Senate Bill 23-111 is the Public Employees Workplace Protection. The bill would grant public employees, including ones of municipality in the city, to discuss or express views regarding public employee representation or workplace issues, engage in protected activities, and be able to engage politically. The reasons for actively opposing the recommendation were discussed. This bill would remove municipal authority to regulate some of these activities, it would move the city's ability to make decisions, it would interfere with the ability to set terms and conditions of employment, and there were no clear definitions in some of the items in the bill. Since the public employees have the First Amendment rights under the law already, this bill would limit the city to address adverse employee actions.

G. Koumantakis discussed that when the legislature starts passing or pushing bills that push back on local control, that is where the city would take a stance against these types of bills. The bill would make them follow laws that even the State was exempted from and it would now push for local municipalities to follow those to Colorado Labor Peace Act and National Labor Relations Act.

Committee Discussion:

CM Jurinsky, CM Zvonek, and CM Lawson supported the actively opposed position.

Outcome: Information only.

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

Opposed-if-asked:

Summary of Issue and Discussion: Liz Rogers gave an update on the House Bill 23-1118.

House Bill 23-1118 Fair Workweek Employment Standards would have certain requirements for certain types of employers regarding their work schedule. The bill, from their internal analysis, doesn't appear to apply to the city because it wouldn't be considered a covered employer. A covered employer would be those who were primarily in the food and beverage or retail establishments. CML has opposed this bill and has put forward an amendment for local government exemption.

Committee Discussion:

CM Jurinsky disagreed with the stance that the bill doesn't apply to the city. They were in the workshop the other day that showed that the tax revenue of the food and beverage industry was the third highest in the city. She stated that this would have a massive impact on the city directly and suggested it to be actively opposed instead of opposed-if-asked.

CM Zvonek and CM Lawson agreed on CM Jurinsky's suggestion. CM Lawson asked CM Jurinsky if she would be going down to the capitol to testify on the bill? CM Jurinsky stated that stakeholders were working on amendments on the bill. She was working with the Tavern League and had organized some sponsors and other people on the Committee before it would be heard on Thursday.

L. Rogers asked if the Committee would also support as actively opposed to the CML's amendment for local government exemption. CM Lawson clarified they would actively oppose as well.

CM Jurinsky stated she would be going down as a business owner at Thursday's hearing. CM Zvonek stated it would add weight for CM Lawson to go down as a member of the Council.

Outcome: The recommendation was changed to actively opposed.

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

Opposed-if-asked:

Summary of Issue and Discussion: Liz Rogers gave an update on Senate Bill 23-053.

Senate Bill 23-053 Restrict Government Nondisclosure Agreements would prohibit the State, including Aurora, from making it a condition of employment that an employee or prospective employee constitutes a contract or other form of agreement that prohibits, prevents, or restricts employee or prospective employment from disclosing circumstances related to that employment.

Staff recommended a position as it would essentially erode home rule authority of the State and employee conduct rules regarding confidentiality would essentially be unenforceable under this legislation. G. Koumantakis stated if they would push against that, then they would strongly oppose the bill.

Committee Discussion:

CM Zvonek voted monitor on the bill unless they would amend it to exempt local governments. He agreed on the staff's general thoughts on the bill. He liked the idea of a State telling them what to do but if this was applied to the State government, he would agree the nondisclosure agreements shouldn't be a part of the public business.

CM Jurinsky voted monitor on the bill.

CM Lawson supports the monitor position.

Outcome: The recommendation was changed to actively opposed.

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

House Bill 23-1115

Summary of Issue and Discussion: Liz Rogers gave an update on House Bill 23-1115.

House Bill 23-1115 Repeal Provision for Local Residential Rent Control would repeal the limitation that the city would be able to make rent control or rent restrictions. If the bill would pass, the city would now be able to make rent control or the city would be able to pass local rent control ordinances.

Committee Discussion:

CM Jurinsky stated there would be a bunch of bills coming to the Committee addressing different things on Tuesday. The bill that she would be testifying on at 1:30 was directly brought forward because of her son.

CM Zvonek asked if the nondisclosure agreements could be done in Aurora. G. Koumantakis stated he was not 100% sure, as he has not been directly involved in any of them.

Outcome: Information only.

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

5. WATER UPDATE

Summary of Issue and Discussion:

Kathy Kitzmann presented the water update. K. Kitzmann clarified that the House Bill 1123 was recommended as support-if-asked.

There would be 23 bills right now and all are support-if-asked. They would be anticipating three draft bills to be introduced soon. One on Stream Restoration Water Rights Administration. Another

one was on Water Quality Fees. Lastly, the Non-Flushable Wipes Labeling. However, they weren't ready for review yet.

For Federal update, they would be working with L. Hettinger on their DC trip planning on April 17th. Marshall Brown would also be anticipating a trip on May 15th.

Outcome: Information only.

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

6. MISCELLANEOUS MATTERS FOR CONSIDERATION

None.

CONFIRM NEXT MEETING

February 24, 2023, at 1:00 PM, Virtual

Approved:

Angela Lawson

Angela Lawson
Committee Chair

2-24-23

Date