

**Federal, State, and Intergovernmental Relations (FSIR) Meeting
Video Conference Call Meeting
February 24, 2023**

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

Others present: Council Member Marcano, Council Member Coombs, M. Bryant, L. Hettinger, J. Prosser, C. Grant, G. Koumantakis, L. Rogers, O. Montgomery, P. O’Keefe, P. Schulte, C. Smith, A. Verville, M. Clark, C. Colip, S. Day, J. Seman, A. Acevedo, T. Vaughn, R. Venegas, M. Kozakowski, M. Brown, L. Perry, A. Botham, C. McDonald

1. CONSENT ITEMS: None.

2. APPROVAL OF MINUTES

February 10, 2023 meeting minutes were approved with revisions on Page 3, last paragraph.

3. CHERRY CREEK SCHOOL DISTRICT UPDATE

Summary of Issue and Discussion: Christopher Smith presented this item.

O. Montgomery thanked CM Lawson for inviting the Cherry Creek School District to be able to present to the intergovernmental affairs committee.

C. Smith stated that she had spoken with A. Verville and A. Verville emphasized what they’re doing around youth violence. C. Smith wanted to share about Cherry Creek to correct misnomers about who they are and whom they represent.

Moving into this school year and into the future, Cherry Creek School District will have a majority of students of color as they value diversity. They have over 150 languages spoken in the school district and is the fourth largest school district in the State of Colorado. They also had an increase in their Free and Reduced Lunch. Cherry Creek School District is one of the Best-in-State Employers in the State of Colorado and they take great pride in that. As they continue to push forward, one of the things that they are trying to implement is Pathway of Purpose. The Path of Purpose is about giving the students the opportunity to build careers in life. With 77 Career and Technical Education Programs, students can receive licenses and can access apprenticeships. They want the students to go to a four-year college, but they also want to give those who chose a different pathway the opportunities to build careers as well.

During the pandemic, C. Smith, the Assistant Superintendent of Equity, Culture, and Community Engagement, and Chief Strategy Officer, Mike Giles, and John Park went out to stakeholders,

parents, community leaders, teachers, students, and administrators to ask about what would it look like if their child was thriving in the Cherry Creek School District. Results showed common themes now embedded into their system as a core value. The core values are the following: Growth Mindset, Equity, Whole well-being, Engagements, and Relationships.

A growth mindset means believing that their children can achieve, have the capability to learn, can push them to their best stability, and have a growth mindset in the things they do inside of their system to engage students looking at things differently. Equity understands that every person's life journey is different, whether that's by race, culture, gender identity, sexual identity, social or economic standings, et cetera. They need to lean into those conversations and by doing that, they go into grounding themselves into the Whole Wellbeing understands students through conversations with them. Engagement is learning how to engage with the students and parents differently, as school becomes the medium for students struggling with social and emotional needs or academic needs. The most important core value for the Cherry Creek School District is true, authentic relationships.

Cherry Creek School District's vision uses infinity as its symbol with the Pathway of Purpose. The infinity symbolizes the cycling process that happens within their students. They prepare the students for the next steps in life and ultimately having them return to Cherry Creek for work, family, or supporting the school district financially or through different avenues.

Cherry Creek has entrepreneurial students who question the value of public education. They wanted to embed the value of education for those students and believed that education isn't about higher education alone.

Right after spring break, they had a situation inside an apartment complex near one of their high schools where one of the students was murdered due to youth violence. This added anxiety to the entire community. C. Smith went to his superintendent's Advisory Group to ask about what they could do about youth violence. A young man named Kanye approached C. Smith and shared that they needed to do it differently because getting out of gangs was not easy. Youth violence has affected their entire life and family. Through this talk, they built the Summer Leadership Academy, where they had students build their own opinions and their own insights of how they can detour or decrease youth violence, similar to a capstone. They had 25 students who technically didn't show up to high school but came to the summer leadership program at about 98% attendance rating for six weeks over the summer. Many of the students had experiences where youth violence had affected their families. At the end of the year, they had some of the presentations presented by the students that were implemented in the school district. They brought EARSS grants and official counselors to discuss attendance, grades, and family communication. They meet with the students quarterly at each school and ensure they are still coming. O. Montgomery had a huge part in the academy.

One of the career pathways that Cherry Creek offers is the Aviation Program. This program is similar to an automotive program but on airplanes. It is one of the few programs on the side of Mississippi. Students can either proceed to work or proceed to higher education as soon as they get the license from the school district.

They are now in their 1st or 2nd in the 1st Year of Teachers' pay and have changed their salary schedule to \$57,000 for 1st Year Teachers from \$42,000. They have increased \$15,000 in salary through cooperation with the Cherry Creek Educators Association where they compressed their salary schedule. It wasn't equitable across as some people got bigger raises than others; however, the Union didn't ratify it due to the 98% success rate. For the 2nd year, they had their highest graduation rates in Cherry Creek. Cherokee Trail High School had a 97% graduation rate. Cherry Creek is also one of the only 60 school districts in the entire nation to offer AP African American Studies at Overland High School, where they got interesting comments from different people about the program.

Cherry Creek School District is also opening the first Mental Health Day Treatment Facility in the United States for students. 10 years ago, there were 77 Opportunity Day Treatment facilities, and they are down to 16 facilities now in the State of Colorado. Dr. Tony Poole and C. Smith questioned the community on what they could do to mitigate this crisis, and the response was to build their own. In 2020, they got a 70% yes vote from the taxpayers to build their own Opportunity Day Treatment. The school district collaborated with CU School of Medicine and Children's Hospital for this. The students get three levels of support: hospital-type clinical service, outpatient-type of therapy, and moving back to transitional housing where they get used to being back in school again. The students do a half-day with them and a half-day back in school to build strategic plans as they transition back into their home high schools, as students right now go through clinical support and get pushed right back into their high schools without any support systems. The school district also has built a partnership with Hazel Health. Hazel Health provides free mental telehealth services for students in grades 6-12 and the help will be provided within 24 hours. The school district is doing a pilot program for a universal mental health screener at several of their elementary schools, middle schools, and high schools. The pilot program will assess the specific needs of individual students, cite trends in classroom and grade levels, and grow and improve social-emotional learning curricula.

Committee Discussion:

CM Jurinsky stated she noticed on their Pathway of Purpose slide that the military was left out. She asked if the Cherry Creek School District was still allowing the military to come in and set up tables and booths in the hallways to talk to seniors. C. Smith stated they allow militaries to come in. They instituted their military graduation as a separate ceremony two years ago. He further stated he had a brother who graduated from the Air Force Academy as a Colonel and it was an important moment in his life. He added it would be an absolute opportunity for students to move forward and have a great career serving the country. Cherry Creek School District was the only school district in the State of Colorado that received the Purple Heart Distinction for a district in the whole State of Colorado this year. CM Jurinsky followed-up that she noticed in the presentation that SROs were not mentioned. She stated that she and CM Sundberg work together at the Ward II town halls, and they let the SROs present at the end of the town halls and have them talk with the community to give updates on what is going on at schools. CM Jurinsky found out that the SROs have started their own program but it wasn't supported by the district or by the City of Aurora, and she's working to change that. Officer Ramirez from Overland High School started the program and City of Aurora has now stepped in and helped with the SROs. CM Jurinsky stated that the relationship between SROs and the community would be important and

would be beneficial to the this presentation. She mentioned that there was a program called Heart-to-Heart, a group session swapped in one of her class periods as a contingency for graduation during her days at Overland High School. CM Jurinsky suggested finding some records on this program. C. Smith stated he would look into it because he was not familiar with the program. They had different things put in place but not to the extent of an entire class period. Regarding SROs, he mentioned that they have a great relationship with different law enforcement agencies from Greenwich Village, Cherry Hills Village, Arapahoe County Sheriff's Office, and Aurora PD. He met with Chief Acevedo about building the relationships better. CM Jurinsky added that they should double down on that because the SROs had a wonderful relationship with Aurora School District and that they lacked a relationship with Cherry Creek School District. CM Jurinsky further added that she knew Sergeant Stacy Talbot working with Aurora School District. C. Smith stated he knew Sergeant Stacy Talbot personally and that he would be in contact with Sergeant Stacy Talbot.

CM Zvonek stated that the graduation rates for Cherry Creek School District were fantastic. He remembered a few years back, statewide, that 1/3rd of the kids graduating Colorado High Schools were getting remediation in math and reading before going to college. CM Zvonek asked if they track the rates by the district of the percentage of kids that end up needing some extra help leaving the school district and going into college. C. Smith stated that they did track but he didn't have the information off the top of his head and that he would get that for CM Zvonek. CM Zvonek stated it would be another valuable data point, as it's one of the measures. Remedial classes would take extra time and credits for college students in case they want to proceed to college. CM Zvonek added that he was curious about the improvements in the rates.

CM Marcano suggested adding the skilled trades on the Pathways of Purpose slide in addition to the Armed Forces. He thought that would complement what's happening at the Innovation Campus. He stated he would be happy to introduce the school district to the Colorado Building Construction Trades Council or the Denver Area Labor Federation because he thought it would be a lucrative and fulfilling career path. CM Marcano further added he worked on the project as a bid manager way back, so it was great for him to see it well utilized. C. Smith explained that they have those partnerships and the language used for a vocation was Career and Technical Education. Students could move into companies and move through that companies through Career and Technical Education. They partnered with CCIC to ensure they understood that they were building leaders. CM Marcano thanked C. Smith for the presentation.

CM Coombs did not have a question and thanked C. Smith for the presentation.

CM Lawson commended C. Smith for covering mental health in his presentation.. She asked if the Academy covered bullying, as it is a topic to navigate that conversation as it has so many issues related to it like peer pressure and the kids being facing emotional stress. C. Smith clarified that they didn't necessarily cover bullying in the Academy, as it was a different piece. However, they have social emotional learning from Pre-K all the way up to 12. They've instituted an advisory program in each of their high schools to give an opportunity for kids to share what's on their mind and have the teacher navigate that through them. However, specifically inside of the Leadership Academy, their focus would be personal resiliency. He added that social media is brutal and it's 24/7, so talking to their students about the appropriate

and inappropriate uses of social media, disengaging from the phone at times, et cetera should be prioritized as well. He further discussed that he met with the Superintendent's Advisory Group asking them how many felt anxious if they didn't have their phone near them, and 98% raised their hand. He would also err on the side that if he asked another room the same question, he would get the same number of hands raised. He referenced that he met with a community member who would be working with them in April to build a youth summit around youth violence. One of the things that he was involved with was reducing youth suicide in addition to youth violence. C. Smith added that they needed to dig deeper into all of these pieces and getting those answers from students would be vital. CM Lawson thanked C. Smith for the presentation and all the work being done in Cherry Creek School District. She hopes that the city will keep partnering together with the school district.

Outcome: Information only.

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

4. FEDERAL LEGISLATIVE UPDATE

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

L. Hettinger is planning the D.C. trip and will be seeing CM Lawson and CM Marcano in person. Congress is in recess due to the holiday and will be back next week. As of now, they are working on the appropriations process. The President will be introducing his budget request in two weeks. L. Hettinger is working with Roberto and Liz on putting together the committee's priorities while ensuring they have the right priorities for the senators and congressmen.

Last week, HUD released its opportunity for the local government to request technical assistance to the thriving community's program. CM Lawson also mentioned this program from the previous conference. The program was created to help communities in incorporating policy with their transportation projects. Technical assistance will come and visit local governments, do conference calls, help identify land for housing development and transportation, develop anti-displacement strategies, and help implement reforms and reduce barriers to housing.

DOT will release its Electric Vehicle Competitive Grant Program next week. As soon as the notice upon an opportunity comes out, L. Hettinger will send a notice to them.

The Department of Homeland Security released a proposed rule on border expulsions. They now can make ineligible Asylum immigrants who don't seek protections from third world countries such as Mexico or attempt to apply for asylum at U. S. port of entry. The immigrants will be subject to expedited removal. This is a proposed rule, which means the public can provide comments before it becomes final in the next 30 days, and then the new rule will be in place for two years.

Committee Discussion:

L. Hettinger updated M. Brown that the EPA released a state revolving on long time allocations for increased money for safe drinking water that was providing the infrastructure bill. M. Brown stated he saw her email and thanked her.

CM Lawson stated they will be traveling to Washington, D.C. with CM Marcano, Mayor Coffman, Roberto, and Liz on Tuesday. L. Hettinger stated she has been working on several meetings with Senator Bennett and Hickenlooper, Congressman Crow and the White House government affairs. She confirmed a meeting with Mitch Landrieu, the Infrastructure Director and former mayor of New Orleans. She also confirmed a meeting with the Bureau of Justice Assistance to discuss BIP protection. She added she was about to confirm a meeting with the Air Force to talk with them. The Department of Transportation and the Assistant Secretary who handles Animal Welfare will also be at the meeting.

Outcome: Information only.

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

4a. CONGRESSIONALLY DIRECTED SPENDING (CDS) PROPOSALS

Summary of Issue and Discussion: Liz Rogers presented this item.

The goal for CDS is to bring the CDS requests to the Committee and have them approved moving forward to Study Session. CDS was previously known as Appropriations or Earmarks.

Aurora Water Pipeline Replacement:

Summary of Issue and Discussion: Aurora Water Pipeline Replacement is another pipeline replacement project, which was done previously as well. The design will be completed by the end of 2023 and will be ready for construction by the spring of 2024. This has been a longer-term project and received a 9 out of 10 score due to its impact on provisions of having clean water. The water line replacements are in high waterline break locations, which will help the community reduce customer impacts and future maintenance costs. The project will affect three residential areas.

Committee Discussion:

The Council Members did not have questions and supported moving the request forward.

Outcome: The Committee supports moving the request forward to the next Study Session.

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

2024 Pressure Regulating Valve Improvement Project:

Summary of Issue and Discussion: The project's estimated construction cost will be \$1 million. The design is funded with a cost of \$120,000. The design will be completed by the end of the year and will be ready for construction in 2024. The impact of this project is looking at regular, large scheduled maintenance and infrastructure. The City's aging water system requires regular schedule updates and replacements to perform optimally. The project came from the Aurora Water Operations Group to prioritize rehabilitation for the Vault Improvement Projects. They need to be rehabilitated to have deeper access to infrastructure needs replacement and operational improvement needs.

Committee Discussion:

The Council Members did not have questions and supported moving the request forward.

Outcome: The Committee supports moving the request forward to the next Study Session.

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

2024 Emerging Contaminants System Treatment Project:

Summary of Issue and Discussion: The cost for the project is estimated to be greater than \$5,000,000 but the impact will be to improve the water system, efficiency, and water quality. The design is in process and will be ready for 2024 construction. The project will include treatment technologies and upgrades to improve water source operations and quality. The evaluation design has yet to be completed but it is on the path to be done. M. Brown added that PFAS is one of the primary concerns that the project will be focused on.

Committee Discussion:

The Council Members did not have questions and supported moving the request forward.

Outcome: The Committee supports moving the request forward to the next Study Session.

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

9 Mile Pedestrian Bridge:

Summary of Issue and Discussion: The amount requested for this project would be \$3 million. The City is seeking funds to construct a pedestrian and bicycle bridge that will span Highway 83, and then approximately 500 feet west of I-225. The bridge is looking to provide space and convenient connections between RTD bus stations, residential and business developments. The project will also be looking at the larger urban renewal and redevelopment. The project is fully designed, ready, cleared through CDOT, and eligible to receive federal funding. In the packet, two maps were included to see where the project will be.

Committee Discussion:

CM Jurinsky, CM Zvonek, CM Lawson, and CM Coombs did not have questions and supported moving the request forward.

CM Marcano stated he is excited about the Committee's approval of the extra funds for the project. However, he thought they had already fully funded the project years ago, so he was surprised to see they were in this situation. CM Marcano asked how much the cost had increased, as he remembered that they had secured \$3 million through DRCOG in 2020 and 2021. C. Colip, Public Works Director, explained that the project cost has escalated due to the construction situation. They're looking for opportunities to fully fund it and look for some additional funds and value engineering to help close the gap. M. Kozakowski further explained that when the estimating was done and when the bids came in, the project estimate was first developed in the 2019 timeframe. That timeframe was when they applied for a DRCOG TIP grant for approximately \$3 million to fund the project with an approximate of 50% match on the city side. However, the total project cost around \$8 million dollars. The project then went through the design process through COVID and through the current construction escalation market last November. It went out for public bid and they were not favorable. He stated he would be happy to discuss the due diligence they had done to determine the reasons and how they remedied that. He echoed C. Colips' numbers as accurate.

CM Lawson stated they needed to get through the rest of the agenda and additional questions could be asked at the Study Session.

Outcome: The Committee supports moving the request forward to the next Study Session.

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

Fox Art Center Renovation Project:

Summary of Issue and Discussion: The Fox Art Center is considered the heart of the cultural arts district and they are looking to request \$2.5 million for a much-needed renovation product including replacing seating, carpeting, security, fencing, HR systems, and updating the lobbies and bathrooms.

Committee Discussion:

The Council Members did not have questions and supported moving the request forward.

Outcome: The Committee supports moving the request forward to the next Study Session.

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

Aurora Public Library Central Library Project:

Summary of Issue and Discussion: A different library project similar to MLK Library funding. The request is for \$3 million. The project helps create a space for our young people to be able to congregate in a safe space for them. They've already had an architectural firm complete a space study with a design concept so the project is ready to go. The project looks at making a state-of-the-art maker space and using them for programming.

Committee Discussion:

The Council Members did not have questions and supported moving the request forward.

Outcome: The Committee supports moving the request forward to the next Study Session.

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

Mediation Irrigated Turf Conversion:

Summary of Issue and Discussion: The estimated cost for this project is \$3 billion to convert five acres of turf to xeriscaping and design it. The design is to be funded by Aurora Water. The design will be completed by February 2024 and ready for construction by the spring of 2024. The project looks at reducing the water used in landscaping and irrigation. The street mediums are identified within the packet.

Committee Discussion:

The Council Members did not have questions and supported moving the request forward.

Outcome: The Committee supports moving the request forward to the next Study Session.

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

5. STATE LEGISLATIVE UPDATE

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

P. O'Keefe stated they had 73 days left until the Session. They will end on the 1st week of May and they're 1/3rd of the way through.

Senate Bill 1 Public Private Collaboration for Housing is in appropriations and will likely be heard around March and April, which will be the time they start dealing with the state budgets. The Committee took a support position on Senate Bill 75 Deletion of a Child's Name from Criminal Justice Record. The Press Association brought an amendment to the bill to allow for an exemption from the deletion of information on children witnesses. They were able to scale that

amendment back and provide the Judge with the decision to balance the need for privacy for children and with the public's need to get information. P. O'Keefe talked with Senator Gardner, who was the lead Republican on the Committee and helped them with the Press Association Amendment. They did not get any support from the Democrats on that. P. Schulte presented testimony on the bill and they pushed back heavily on the amendment. One of the statements that P. Schulte made to the Committee was that it should be by clear and convincing standards. The advice from the office was to support the bill as it's written but make a notation that they would support it with clear and convincing evidence and that the need for the information outweighs the child's privacy interests. It would be considered clear and convincing if the parents show up and approve the release of the name, but when the parents don't want it, they need to know how much evidence they will require the media petitioner to show.

Committee Discussion:

CM Zvonek stated that he doesn't like the amendment as it would take them in a watered-down direction. If the family decided they wanted to release the name, it would be on them but otherwise, he doesn't see why they would want to. CM Zvonek asked what additional protections are in there that would make the Committee want to continue to support the bill, as amended. P. Schulte explained that under the current law if somebody makes the request, the only names that would stay out of the reports under the Criminal Justice Records Act would be the defendant's name and any child victim that is under certain enumerated offenses, which would be mostly sex offenses. The benefit of the amendment to the bill would allow them to identify and confirm the juvenile witnesses of the report. P. Schulte added that the amendment offered some protection. If the evidence or standard were not clear, it would be by a preponderance of the evidence. Identifying information about a child victim or child witness should substantially outweigh the harm to the privacy interests of the child victim, witness victim, legal guardian, child witness, and legal guardian. Missing evidence would be a legal standard, which would put the evidence beyond a reasonable doubt. P. Schulte added that it might not be ideal, but it was better than what they have today. He suggested continuing to support it and having it saved by clear and convincing evidence.

A. Acevedo stated he strongly supported not releasing the child's name. He hoped that their number one position would be no exception, and if there would be an exception, it would be at a high bar. He added that the only problem with having exceptions would be interpreting it liberally or differently and becoming uncontrollable. P. Schulte appreciated the Council's support in not releasing the kids' pictures.

CM Marcano echoed that he found the amendment strange and unnecessary.

Outcome: The Committee continues to support Senate Bill 75, as amended.

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

Continuation on updates:

House Bill 1132, Court Data Sharing Task Force, is the modernization of courts. The bill passed out of judiciary and will be in appropriations next. Senate Bill 97, Motor Vehicle Offenses Legislation will be up next week. CM Lawson will be coming to testify on the bill.

The Fair Work Week was laid over in Committee. The Committee took hours of testimony. The bill sponsors asked that the bill be laid over while they work on additional amendments. P. O'Keefe hasn't seen the amendments yet. The bill has not been re-calendared for the Committee. The sponsors scrambled to make amendments to that and will share those amendments when they see them before the Committee. CM Jurinsky thanked P. O'Keefe for the late nights on fighting for the committee's stance.

On Tuesday, Senate Bill 111 Public Employees Workplace Protection is up in local government. CML took a position opposing this bill this morning. They will be working closely with them and the other local governments to try to kill the bill. P. O'Keefe received a text from the Governor's office this morning and thought they've got potential concerns with the bill.

Outcome: Information only.

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

House Bill 169 Update:

C. Grant stated they are working hard with CML to kill this bill in Committee. Marshall and Snyder are actively lobbying representatives to swing them over on their side. They are working hard to try to stop this from moving forward. The Council opposed this bill last February 10th.

House Bill 23-112 Update:

The HB23-1132 passed out of Committee on a unanimous vote 13 to 0 onto appropriations. S. Day went to the Capitol to testify on behalf of the city in support of the bill.

He wanted to clarify the minutes from the last meeting on page 3 last paragraph regarding the word dropped. The word dropped meant it was introduced into the legislative session. The Motor Vehicle Bill is going forward. It will be in front of the Senate Judiciary on February 27th.

Senate Bill 72 Sense of Provision on the Defense Counsel First Appearance Grant was mentioned in the minutes and will be going forward. It passed out of the Senate Judiciary on a 3 to 2 vote. It's into appropriations to where they're going to continue with the grant program for another five years until 2028 and was made a record of in the Senate Judiciary Committee. They had concerns about continuing to fund the First Appearance grant for Defense Counsel for people in custody due to the misunderstandings of what the law requires and whether it is a state or constitutional mandate. The bill relates to a bill that was passed in 2016 from the decision of the case of Rothgery v. Gillespie, which was a Supreme Court case in 2008. As a result of that opinion back in 2013, a bill was brought for the legislature to require the state public defender to

be present for all state court prosecutions during the first appearance. They recognized that the bill was a mandate from the state, and they funded the state public defender to be there to represent people in custody at their first appearance. They then applied that to municipal courts in 2016 through House Bill 1309. They had concerns about the mandate, which was recognized by the legislature in postponing the effective date of the 2016 bill. They introduced a bill in 2017 to delay implementation for another year so that they could figure things out. They then introduced a bill in 2018 to fund first appearance for public defender representation on first appearance, recognizing that there was a mandate and that it was an unfunded mandate.

He brought this forward to the Committee because there were misleading statements that were made by members of the Senate Judiciary. There were statements made that it was a constitutional mandate contrary to what Rothgery constitutionally mandated. An opinion from the U. S. The Supreme Court recognized that an attorney had to be appointed within a reasonable amount of time and not a simultaneous appointment. This bill was continued for another five years, but they still have to deal with the issue. He thought it would be important to continue to have discussions with people down at the Capitol about the misunderstanding or misrepresentation that some have put forward regarding the requirement.

5A. LEGISLATIVE POSITION DISCUSSION

Actively Support:

Summary of Issue and Discussion: S. Day discussed Senate Bill 23-072 during the State Legislative Update. The initial recommendation was to actively support it would continue the grant program so the City would receive funding. S. Day clarified that he would support continuing for another five years to further educate and have conversations about whether it is a constitutional mandate that wouldn't require funding or a state-imposed mandate that would require funding.

Committee Discussion:

CM Jurinsky, CM Zvonek, and CM Lawson support the position of actively support.

Outcome: All members present supported the recommendation.

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

Actively Support:

Summary of Issue and Discussion: Senate Bill 23-075, Senator Field's Bill, was discussed during the State Legislative Update. The initial recommendation was to actively support; however, there were discussions regarding the amendment that was adopted. Senator Fields mentioned she would support the bill with amendments.

Committee Discussion:

CM Zvonek suggested continuing to actively support and continue to advocate against the amendment. P. Schulte mentioned there's added protection even with the amendment. He added that passing the bill with amendments is better than nothing.

CM Lawson and CM Jurinsky support the position of actively support.

Outcome: All members present supported the recommendation but are against the amendment.

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

Support-if-asked:

Summary of Issue and Discussion: Senate Bill 23-082 Colorado Fostering Success Voucher Program would create rental assistance foster programs for youths between 18 and 26 that have experienced homelessness and have been in the foster care system. Certain specifications surrounding the bill were included in the summary. The position recommendation is support-if-asked by staff, as many of the homeless youth in Aurora have noted to come from the foster system and this would help address those youths.

Committee Discussion:

CM Zvonek asked what the rental assistance looked like. J. Prosser stated that it would have to go to rules to be thoroughly decided. CM Zvonek stated he wanted to know the details such as the period in which they would be eligible for it. He added that his position would be to monitor since he had some unanswered questions.

CM Jurinsky stated her position to monitor.

CM Lawson stated she would support the monitor position.

Outcome: CM Jurinsky and Zvonek's position were to monitor while CM Lawson's position was to support.

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

Support the study:

Summary of Issue and Discussion: House Bill 23-1153 Pathways to Behavioral Health Care is a bill that would require the State to contract with an independent third party to conduct a feasibility study to determine the feasibility of creating a system to support individuals with mental illness through collaboration between Colorado Health and Behavioral Health and Systems. The bill is only offering a study to be done. CML supported this legislation. The staff noted that whatever comes out of this study could be very beneficial to the City.

Committee Discussion:

CM Zvonek, CM Jurinsky, and CM Lawson stated they would support the idea of doing the feasibility study.

Outcome: All members present supported the study.

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

Support-if-asked:

Summary of Issue and Discussion: Senate Bill 23-059 State Park and Wildlife Area Local Access Grant Fund is a bill that would create an access grant program for local governments to use so that they can get reimbursed for access route maintenance for state parks. There would be a fee and the language limits the use of funds to only access ways that the City owns, but they would still get additional funding.

Committee Discussion:

CM Zvonek asked regarding the fee. L. Rogers stated that the local government could apply to the parks and wildlife a commission for the imposition of a fee of up to \$2 per day-use on visitors. CM Zvonek clarified that the local government didn't have to do it but it would give the local government an option to request for a fee.

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

Outcome: All members present supported the study.

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

Support-if-asked:

Summary of Issue and Discussion: House Bill 23-1202 Overdose Prevention Center Authorization is a bill that would allow a City to authorize the operation of an overdose prevention center within the City's jurisdiction. This bill would allow them to operate but they would still have to go through counseling committees to be able to authorize that with the City.

Committee Discussion:

CM Zvonek and CM Jurinsky opposed the recommendation.

CM Lawson asked for a clarification would this allow injection sites. L. Rogers stated it was about injection sites. CM Lawson opposed the recommendation.

Outcome: All members present took an oppose if asked position.

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

Opposed-if-asked:

Summary of Issue and Discussion: House Bill 23-1076 Worker's Compensation is a bill that would increase the limit on medical impairment benefits based on a mental impairment for 12 weeks to 36 weeks. The bill would remove the authority of employees to request from the Division of Workers Compensation and Department of Labor Employment prior to receiving a replacement of any physical improvement device they would need. The position is opposed-if-asked, as staff noted that the bill could increase the City's workers' compensation costs and increase in mental impairment benefits. Allowing workers to challenge terminations in sections 3 and 7 of the bill would adversely affect the City's costs and the risk of worker's compensation claims.

Committee Discussion:

CM Zvonek, CM Jurinsky, and CM Lawson opposed the recommendation.

Outcome: All members present opposed the bill.

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

Opposed-if-asked:

Summary of Issue and Discussion: House Bill 23-1032 Remedies Persons with Disabilities is a bill that would make three primary clarifications about remedies for persons with disabilities and what they are entitled to under Colorado Law. They're prohibited from being discriminated against and the bill also allows state law to have a lawsuit brought by them related to disability discrimination by a public entity. It allows for damages of emotional distress, and it does not require that a plaintiff file a charge of discrimination with the Colorado Civil Rights Division prior to filing the suit. Staff noted that if this passes, they are expected to see an increase in frequency and cost of litigation for any kind of disability or disputes of that nature. CML opposed this bill as well.

Committee Discussion:

CM Zvonek, CM Jurinsky, and CM Lawson opposed the recommendation.

Outcome: All members present opposed the bill.

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

Opposed-if-asked:

Summary of Issue and Discussion: House Bill 23-1061 Alcoholic Beverage Retail Establishment Permit. The Committee previously gave its position of opposed-if-asked. An amendment was proposed for the bill that would restrict eligible permits from holding a license of alcoholic

beverages. It restricts service between 2 a.m. and 7 a.m. and doesn't allow a person under 18 to serve alcohol. The amendment also raises the local application fee to a maximum of 200. They need under 25 employees and under \$5 million in annual sales, with art galleries being the exemption to that specific provision. It also would limit the size of the beverage serve to 12 ounces and then exclude additional businesses from attaining the licenses such as firearms retailers, car dealerships, dispensaries, facilities, gas stations, and convenience stores.

Staff believed that the state did not put any caps on mandated fees and that the City or municipality should be able to increase the leverage fees as they see fit. Further noted concerns include venues that are allowed to participate and are not further restricted in places where there are safety concerns. Staff also believed permitting should end at 10 p.m. as 2 a.m. could be considered a bar.

T. Vaughn added that the City Council should be the one making decisions for charges on local fees. He added that the bill was not particularly thought out prior to when they introduced it because they're now making some changes and excluding some types of businesses. A slow expansion of this would be a good thought on this bill. A consideration for hours earlier than 2 a.m., opening the bill to certain kinds of businesses rather than all businesses, et cetera, were some of the amendments they would need to think over. He added that they did not exclude places that sell tobacco such as hookah bars. The issue with hookah bars was that they had many issues. State statute doesn't allow smoking in bars, but if the bill is to pass, Hookah lounges could operate serving alcohol without a license. There are also issues on safety and equity concerns.

Committee Discussion:

CM Zvonek, CM Jurinsky, and CM Lawson opposed the recommendation.

T. Vaughn stated there is currently a liquor advisory group committee that was convened by the governor that he attended yesterday. Part of the conversation there was that there's a lack of portability of liquor licenses. He added that the committee might be a better starting place for whatever the bill is trying to solve.

Outcome: All members present opposed the bill as the amendment.

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

House Bill 21-1286:

In 2021, the assembly passed House Bill 21-1286, which required the Colorado Air Quality Control Commission to create new rules aimed at requiring covered building owners, which would be considered as a public building, to reduce greenhouse gasses. Couple of exceptions were noted in the packet. Staff is looking at how the City is going to be impacted by the implementation of this rule. They have registered the City as an interested party but this did not mean they took a position. This just meant that they now have the opportunity to ask questions, gather further information, and then bring a recommendation to the Committee. Once they have

the position for the bill, they will bring forward a recommendation or additional information to the Committee.

Committee Discussion:

CM Zvonek looked forward to hearing more information as he read some of it. He stated that his inclination would be to oppose but he's open to learning more about it.

Outcome: Information only.

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

5. WATER UPDATE

Actively Support:

Summary of Issue and Discussion:

Jep Seman presented this item as K. Kitzmann was on her way to Iowa and sent her regrets. A request for actively support for Senate Bill 150, which is a newly introduced bill that will require covered products to be labeled with "Do not flush" on wipes. Since the pandemic, there have been many water treatment facilities as well as people's private homes and businesses where these wipes are flushed and end up clogging the systems, creating floods, and breaking equipment. The request from this Committee is for Aurora Water to actively support the bill.

Committee Discussion:

CM Zvonek asked what products have to be labeled with "Do not flush." J. Seman stated the list covered products that are essentially known as disposable wipes, which are membrane products that are not built to break down the water treatment system. CM Zvonek stated he would have to look at the bill and see its specifications, as he's worried about what could end up. He wanted to make sure that they're not going to put themselves in a position where companies are being held liable for not putting the sign. J. Seman explained that the membrane products are pre-moisten nonwoven disposable wipes composed partly or entirely of petrochemical derived fibers and likely to be used near a bathroom that could potentially be flushed. This included baby wipes, bathroom-cleaning wipes, toilet-cleaning wipes, hard surface cleaning wipes, disinfecting wipes, hands sanitizing and other sanitizing wipes, antibacterial wipes, facial and makeup remover wipe, general purpose cleaning wipes, personal care wipes for use on the body, feminine hygiene wipes, adult incontinence wipes, and both hygiene and body cleansing wipe.

CM Jurinsky stated the bill is a moot point. M. Brown explained that this has cost the community millions of dollars a year to deal with the wipes that are flushed down the toilet. M. Brown would prefer to have the flushable wipes included as well but it was highly controversial. The bill focused on disposable wipes as wipes would hang up all over in the sewer system. The fats,

oils, and grease, also called FOG monsters, are attached to the wipes and could cause sanitary sewer overflows. He added that it's not going to stop people from flushing, but it's an opportunity to increase education. They got claims regarding clogged systems caused by wipes. CM Jurinsky agreed to that and said she would be happy to support but the whole list of wipes would be unnecessary as people are already flushing them.

CM Lawson asked how this bill would work if there's an outside manufacturer bringing the product to Colorado. She added that CML supported this bill. M. Brown stated that this has passed in two other states and started to pass nationwide, but there may be inconsistencies between imported and local products. He clarified that this bill is not a solution but a thought of stepping in the right direction and helping start minimizing some of the problems. He added that California was the first state to pass this and a few other states followed. Colorado was the second round of states considering this bill.

CM Zvonek and CM Jurinsky stated they would support-if-asked. CM Lawson stated she would actively support the recommendation.

Outcome: CM Zvonek and CM Jurinsky stated they would support-if-asked. CM Lawson supported the bill.

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

Support-if-asked:

Summary of Issue and Discussion: Senate Bill 103 is an update on Colorado's recreational statutes. The bill clarifies that when a landowner opens their property for recreational purposes, the participants in those recreational purposes assume liability for any sort of inherent dangers they might encounter on the property. The bill resulted from a case involving the Air Force Academy, where somebody was riding a mountain bike across the Air Force Academy and a sinkhole appeared before them. This injured them badly when they fell into the sinkhole, which resulted in a lawsuit filed against the Air Force, and ultimately, they were able to get a judgment against the Air Force Academy for around \$7 million. It's being run by Senator Mark Daly from Douglas County as well as House Representative Mike Lynch. The bill is getting a lot of support from landowner groups as well as the environmental recreation community. Senator Daly requested to use the Aurora Water logo on his supporting materials. The ask is whether the Committee will agree to put the Aurora Water logo and name on to the support materials.

Committee Discussion:

CM Zvonek stated he would support it, as opening a property publicly should have the owner be liable for any damages. Otherwise, people would start shutting that down and not let people on it. As far as using the Aurora Water Department's logo, he doesn't know the protocol for that.

CM Jurinsky stated she would actively support it instead of support to protect themselves. It would then be up to the legal if a logo were allowed to be used.

CM Lawson stated she would actively support the recommendation but the protocol for the logo would have to be discussed with legal.

G. Koumantakis asked if they had allowed someone to use the Aurora logo in the past. CM Lawson and J. Seman stated they had no experience with the logo being used in the past. CM Lawson stated that they would support the bill but they would have to change their position if they needed to see the logo. J. Sepman stated the logo and the bill are two separate things. He added that they could still actively support the study and let the sponsor know they would have to talk to legal about the logo.

Outcome: CM Zvonek supported the bill. CM Jurinsky and CM Lawson actively supported the bill.

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

Water Wise Landscaping Bill:

Summary of Issue and Discussion: There will be an upcoming draft bill regarding Water Wise Landscaping. The Aurora Water technical folks have looked at the bill's first draft. They're working closely with the sponsor of the bill, Aaron McCormick. As soon as the bill is introduced with a bill number, they would come back to ask for the active support position.

Outcome: Information only.

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

6. MISCELLANEOUS MATTERS FOR CONSIDERATION

None.

CONFIRM NEXT MEETING

March 10, 2023, at 1:00 PM. The meeting will be in-person.

Approved:

Angela Lawson
Angela Lawson
Committee Chair

3-10-23
Date