

Federal, State, and Intergovernmental Relations (FSIR) Meeting
Video Conference Call Meeting
March 10, 2023

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

Others present: Council Member Marcano, L.Rogers, L. Hettinger, P. O’Keefe, S. Day, K.
Kitzmann, H. Hernandez-Perez, J. Batchelor, M. Hildebrand, J. Heckman,
M. Bryant, B. Mendoza, A. Botham, C. McDonald

1. CONSENT ITEMS: None.

2. APPROVAL OF MINUTES

February 24, 2023 meeting minutes were approved with a minor correction on page 14.

3. FEDERAL LEGISLATIVE UPDATE

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

The President's budget requests and priorities for programs and projects were presented in an outline and more details will be available this coming Monday. As Congress considers its annual appropriation bills to fund federal agencies, they have begun to hold hearings with agency leadership. There are opportunities for delegation members, such as those that oversee the USDA or Department of Interior, to submit questions for when the agency leadership testifies before their committees. Appropriations are in full swing, and Lauri has been working with Liz Rogers on submitting appropriation forms to their delegation.

L. Rogers stated that they submitted four projects: the 2024 Annual Aurora Waterline Replacement Project, the 2024 Pressure Regulating Valve (PRV) Improvements Project, the 2024 Emerging Contaminants System Treatment Projects, 9-Mile Pedestrian Bridge, and the Aurora Public Library’s Central Library Remodel Project, to their Senate offices. They will follow up with the Senate office in the next week to determine which will be picked, and whatever does not get picked will be submitted to Congressman Crow so as not to repeat efforts.

Committee Discussion

L. Hettinger gave a summary of the travel trip to D.C. and expressed excitement on meeting many committee members in person. HUD is attending the Cities Summit of the Americas in Denver, Colorado, and has expressed interest in coming to visit some projects in Aurora. The regional administrator is a friend and former state legislator, and a meeting will be set up with the administrator for public works and transportation with US DOT to go over programs that

they're interested in applying for this upcoming year. A one-page paper will be sent to the White House on some of the drought projects they've been very interested in since the Colorado River shortage. CM Lawson expressed that the advocacy trip was very productive and was appreciative of L. Hettinger's hospitality during the visit.

Outcome: Information only.

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

4. STATE LEGISLATIVE UPDATE

INFORMATION ONLY

State Legislative Update

P. O'Keefe and Judge S. Day gave updates on the bills the committee is following.

SB 111: Public Employees Workplace Protection

The city is actively opposing this. It will be in Senate appropriations next Friday. CML is asking for amendments and to exclude local governments from the bill, and it is projected that the bill will get out of appropriations.

SB 97: Motor Vehicle Offenses Legislation

The bill passed out of appropriations and was put on the consent calendar. It should pass next week and move to the House.

SB 1: Public Private Collaboration for Housing

Passed local government and waiting for a hearing in the appropriations.

SB 1132: Court Data Sharing Task Force

House Bill 1132, Court Data Sharing Task Force, is the modernization of courts. The bill passed the House Appropriations Committee unanimously and will have a second reading tomorrow and be in appropriations next.

HB 1169

This bill is concerning nonarrests of low-level offenses. It would limit the ability to arrest somebody upon first contact after probable cause is established for certain offenses. It was supposed to go to House Judiciary on the seventh but was pulled and it is unknown if it is going to be calendared again but Judge S. Day will update as changes occur.

CM Zvonek asked if P. O'Keefe foresaw any hurdles for the Safe Injection Site bill, and O'Keefe responded there would be as the Republic House worked on amendments and other additional amendments that will give it a difficult time.

Colorado Air Quality Control Commission (AQCC) Proposed Rules

At the February 24th FSIR meeting, staff brought forward an informational item regarding the Colorado Air Quality Control Commission (AQCC) proposed rule. After further evaluation, it was determined that this regulation would not impact the city as there is no penalty for noncompliance. As such, staff is not bringing forward a position recommendation for the Committee at this time, and thus will no longer retain our interested party status. Staff will continue to follow the regulation and if upon further evaluation finds an area of concern, the Committee would still have an opportunity to submit written comments regarding the regulation.

Committee Discussion

The Senate will start a budget-long bill the week of the 27th. Other bills will start moving after or in conjunction with the long bill, including the deletion of a child's name from criminal justice records and Senate Bill 97, Motor Vehicle Theft and Unauthorized Use, which passed Senate appropriations and was put on the consent calendar to be moved to the House. The Safe Injection Site bill passed its second reading and is on the third reading tomorrow.

Judge S. Day believes bipartisan support for it helped it pass. Rep Bockenfeld reached out to meet and talk about the bill and the fiscal impact of the bill before its third reading. Appropriations of \$135,000 were added to cover the costs of drafting the report and a task force to write it and get it back to the legislature before the next session. Judge S. Day proposes an option to opt in or opt out of the suggested meeting system to accommodate large and small communities, one which Rep Wiseman will represent.

Amendments to the bill, found on page 54 of the agenda packet, were written to adhere to the bill's intent to where municipal courts cannot prosecute domestic violence cases unless we comply with the Victims' Rights Act. The amendment's second part is to adopt the same sentencing structure as the state. The third part of the amendment is to comply with the mandatory protective order requirements within the state statutes.

Judge S. Day is optimistic that the proposed amendments to SB 1132 will be a topic of conversation during the Colorado Municipal Judges Association meeting. J. Prosser added that after a meeting with the chief probation officer, it was found out that Douglas Gray from the state judicial had been a part of a recent fiscal discussion regarding the bill, and it may indicate a further push on things. Additionally, after a public safety meeting, the VRA can be expected to fully comply if there is an ordinance.

CM Zvonek asked if the fiscal note would impact the four judicial districts and the state public defenders and if the DAs were counted in. Judge S. Day confirmed it would but is unsure if specific DAs were weighed. However, in the last communications with DA Kellner, it was understood that CDC would oppose unless there were amendments.

A. Acevedo, Chief of Aurora PD, and O'Keefe brought concerns on HB 1169, stating that from an APD perspective, they would not want limitations affecting the ability to arrest for low-level

crimes, and O’Keefe stated that unless there is a study or a lot of amendment it will have a hard time moving forward.

CM Zvonek asked why Colorado AQCC wouldn’t impact the city, and L. Rogers answered that the city as an entity would not be impacted, but the other businesses within the city. L. Rogers will bring this forward as a position statement after it is reevaluated, but currently council members Zvonek, Lawson and Jurinsky all actively oppose.

Outcome: The Committee voted on taking opposed positions on the Colorado Air Quality Control Commission proposed rules.

Follow-up Action: Staff and lobbyists will act on the above proposal in accordance with the positions taken.

ACTION ITEMS

Summary of Issue and Discussion: Liz Rogers gave updates on current legislation being introduced and asked the committee to take a position on the following bills.

HB23-1223: Task Force To Prioritize Grants Target Population

The bill creates a task force (task force) to establish shared goals, objectives, and guidelines for entities to utilize in prioritizing new and existing grant money to achieve maximum impact to reduce youth violence, suicide, and delinquency risk factors. While this bill will not immediately affect the City, when the final recommendations are made by the task force in 2025 the City may see financial resources or other resources from the General Assembly to reduce youth violence, suicide and delinquency.

Staff recommended a Support if Asked Position.

The Committee unanimously voted to take a Support if Asked position on this bill.

SB23-031: Improve Health Care Access for Older Coloradans

The bill creates the Colorado multidisciplinary health-care provider access training program to improve the health care of medically complex, costly, compromised, and vulnerable older Coloradans. The University of Colorado Anschutz medical campus shall develop, implement, and administer the program.

This bill creates a training program and an advisory committee to coordinate and expand geriatric training opportunities for clinical health professions graduate students. The bill does not affect the city but could lead to better geriatric care for our citizens. CM Lawson brought this bill forward to the city to for review and to take a support position if asked.

Staff, recommend a Support if Asked Position.

Committee Discussion

CM Jurinsky asked for more clarification on what the bill exists to do. L. Rogers explained that it is to ensure training for medical personnel on how to better care for older patients or geriatric patients, which CM Jurinsky agreed with.

The Committee unanimously voted to take a Support if Asked position on this bill.

HB23-1222: Cases of Domestic Violence In Municipal Court

Beginning January 1, 2024, the bill prohibits the prosecution of an alleged act of domestic violence in municipal courts. The county and district courts retain jurisdiction over such cases.

The City of Aurora is very concerned about protecting victims. This Bill will significantly impact the Aurora Municipal Court and will take away all local control of Domestic Violence prosecution. Often, domestic violence cases filed in a municipal court are precursors to more violent incidents that can include strangulation and death. Limiting the prosecution of these crimes puts victims in greater danger. Prosecuting domestic violence crimes in municipal court makes it more accessible for victims by reducing the long distances they must travel to be present during the many stages of the case.

Staff recommends a position of Actively Oppose.

The Committee unanimously voted to actively oppose this bill.

SB23-105: Ensure Equal Pay For Equal Work

Current law authorizes the director of the division of labor standards and statistics in the department of labor and employment (director) to create and administer a process to accept and mediate complaints, to provide legal resources concerning alleged wage inequity, and to promulgate rules as necessary for this purpose. The bill changes these authorizations to requirements. Additionally, the bill requires the director to:

- Investigate complaints or other leads concerning wage inequity;
- Upon finding of a violation, order compliance and relief; and
- Promulgate rules to enforce the bill.

The bill also requires an employer to:

- For each job opportunity or promotional opportunity where the employer is considering more than one candidate, follow specific guidelines for posting the opportunity.
- For all job opportunities and promotional opportunities, provide specific information to employees regarding the candidate selected for the opportunity; and
- For all objectively defined career progressions, disclose the requirements for career progression and the terms of compensation, benefits, status, duties, and access to further advancement.

Staff recommends a position of Actively Oppose.

The Committee unanimously voted to actively oppose this bill.

SB23-172: Protecting Opportunities And Workers' Rights Act

For purposes of addressing discriminatory or unfair employment practices pursuant to Colorado's anti-discrimination laws, the bill enacts the "Protecting Opportunities and Workers' Rights (POWR) Act", which: Directs the Colorado civil rights division (division) to include "harassment" as a basis or description of discrimination on any charge form or charge intake mechanism; Adds a new definition of "harass" or "harassment" and repeals the current definition of "harass" that requires creation of a hostile work environment; Adds protections from discriminatory or unfair employment practices for individuals based on their "marital status"; Specifies that in harassment claims, the alleged conduct need not be severe or pervasive to constitute a discriminatory or unfair employment practice;

Specifies the requirements for an employer to assert an affirmative defense to an employee's proven claim of unlawful harassment by a supervisor; and specifies the requirements that must be satisfied for a nondisclosure provision in an agreement between an employer and an employee or a prospective employee to be enforceable.

Staff recommends a position of Actively Oppose.

The Committee unanimously voted to actively oppose this bill.

5. WATER UPDATE

Summary of Issue and Discussion: Kathy Kitzmann gave an update on water.

All had been covered for the CDS and K. Kitzmann thanked the committee for support on the water applications. There is a water tour Tuesday and Wednesday, August 15th, and 16th.

Committee Discussion

There were no questions or comments from the committee and CM Lawson thanked Kathy for the update.

Outcome: Information only.

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

6. MISCELLANEOUS MATTERS FOR CONSIDERATION

Summary of Issue and Discussion: CM Lawson requested a time change for the next meeting.

Committee Discussion

The committee agreed to meet Thursday, March 23rd at 10:30.

Outcome: Information only.

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

CONFIRM NEXT MEETING

March 23, 2023 at 10:30 AM.

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| Approved: | <u>Angela Lawson</u> | <u>3-23-23</u> |
| | Angela Lawson | Date |
| | Committee Chair | |