

**Federal, State, and Intergovernmental Relations (FSIR) Meeting
Video Conference Call Meeting
July 21, 2023**

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

Absent: Council Member Zvonek

Others present: Council Member Marcano, M. Callison, L. Rogers, L. Hettinger, C. Grant, C. Colip, P. O’Keefe, F. Raitano, D. Rex, S. Lynch, J. Riger, C. Campuzano, K. Kitzmann, M. Gardner, M., Parnes, J. Rustad, R. Venegas, G. Koumantakis, L. Perry, E. Cadiz, C. McDonald, T. Rees

1. CONSENT ITEMS: None.

2. APPROVAL OF MINUTES

June 16, 2023 meeting minutes were approved.

3. DRCOG

Summary of Issue and Discussion: Dr. Flo Raitano, Doug Rex, Sheila Lynch, and Jacob Riger of Denver Regional Council of Governments presented a PowerPoint presentation to the Committee.

Items discussed:

- EDA Investment Priorities
- IJJA Regional Grants Navigation Services
- Regional Housing Strategy Nest Steps
- Area Agency on Aging Partnerships
- Regional Bus Rapid Transit Partnership (CDOT, DRCOG, RTD, Aurora, Denver)
- Legislative Recap

Committee Discussion:

CM Lawson asked CM Jurinsky if there were any questions regarding the presentation from DRCOG. CM Jurinsky answered that she did not have any questions but expressed gratitude for the presentation.

CM Lawson said she found it interesting and was surprised to learn about the significant input and involvement of DRCOG in matters concerning older adults. She acknowledged that she was not aware of DRCOG's role and appreciated the organization's efforts in this area. She mentioned her intention to reach out to DRCOG for more information. She also mentioned the recent approval of

\$170,000 by the City Council for a transportation pilot and the existence of a commission that provides advisory services to the City Council.

D. Rex expressed willingness to meet with CM Lawson and others interested in providing a comprehensive review of their organization's programs and advocacy role related to older adults. He expressed pride in their work and openness to sharing information.

CM Lawson acknowledged the presence of CM Marcano and asked if he had any questions about the presentation. CM Marcano stated that he did not have any questions at that point but expressed gratitude for the update.

Outcome: Information only.

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

4. FEDERAL LEGISLATIVE UPDATE

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

L. Hettinger provided an update on the appropriations bills in Congress, mentioning that 10 out of 12 bills had passed the House committee. Two projects secured by Congressman Crow were highlighted, including \$3 million for the Aurora Public Library and \$850,000 for the 9-mile pedestrian bicycle bridge. The remaining two bills, Labor HHS Education and Commerce Justice Science were expected to be considered in September. On the Senate side, they also worked through appropriations bills, including transportation, energy, and water. Several projects submitted by Senators Hickenlooper and Bennett were hopeful to be included in the Senate bill.

She also mentioned that the House had passed the FDA reauthorization bill, providing a record amount of funding for airports, including Denver International. However, additional flights directly to DCA were not allowed, which was considered surprising. The Senate Commerce Committee was going to consider its bill in the following week, and the chairwoman had expressed the possibility of considering additional slots with hopes of securing a United flight slot for Denver. Additionally, Congress was working on the farm bill.

A couple of grants were mentioned, including the newly created PROTEC grant, aimed at climate resiliency and extreme weather events. The Reconnecting Communities and Neighborhoods Grant Program was also highlighted as a potential opportunity for the city, with over \$3 Billion available for this program.

Committee Discussion:

CM Lawson asked CM Jurinsky if she had any questions regarding the update provided by L. Hettinger. There being none, CM Lawson expressed gratitude for the update and mentioned her interest in exploring the grant opportunities mentioned, particularly on Reconnecting Communities

and Neighborhoods Grant which was mentioned in many of the sessions she attended during the National League of Cities Congressional City Conference

CM Lawson expressed her hope that the city would check the potential benefits of the program and its funding. L. Hettinger provided a reminder for the City Council Members that the program was created to help provide access to underserved communities for transportation, recreation, jobs, and education. She believed that several neighborhoods in Aurora would benefit from the program. CM Lawson then asked CM Marcano if he had any questions. CM Marcano expressed gratitude to L. Hettinger for the updates but stated that he had no questions.

Outcome: Information only.

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

5. STATE LEGISLATIVE UPDATE

Summary of Issue and Discussion: Peggi O'Keefe, Totsy Rees, and Cammie Grant gave an update on current legislation.

Peggi O'Keefe informed the Committee about the start of interim committees and their focus on different topics. Their team closely monitored transportation, sales and use tax, and public safety in these committees. Another key issue being addressed was affordable housing, specifically related to the failed Governor's Senate Bill 213 from the previous session. Legislators were considering dueling potential legislative packages to address affordable housing, with Representative Woodrow planning to reintroduce bills related to Senate Bill 213, and Senators Zenzinger, Kirkmeyer, Representative Bird, and Pugliese looking at approaching the issue from a different angle using the "strike below" approach from the Senate. She mentioned that the "strike below" version of the bill was a more tailored approach to address affordable housing without the offensive mandates that some local government organizations objected to. There was a possibility of dueling legislation in the upcoming session related to affordable housing. Another issue that had emerged was construction defects, which had been a longstanding concern since the early 2000s and had contributed to housing price increases and the limited availability of condominiums and starter homes. P. O'Keefe anticipated that construction defects would be a significant topic of discussion in the upcoming session, with efforts to address it in a way that could potentially reduce housing prices. Though not part of a specific committee during the interim, discussions were underway on these matters, and the team would keep everyone informed. Other issues were also being closely monitored during this summer.

Totsy Rees provided an update on the ongoing interim committees. The transportation legislative review committee would start on Monday, and they would discuss issues related to towing and railroads, including railroad safety. She mentioned that they would attend the hearing and would keep the Committee informed of any relevant developments. Additionally, there were discussions on city priorities in public safety, particularly regarding juvenile beds for youth detention

complexes, and an update would be provided at the next FSIR meeting. Their team also worked on figuring out issues related to POWPO (possession of a weapon by previous offenders).

T. Rees mentioned that last year's legislative session ended without any bill progressing on POWPO, and there was no interest from the involved parties in pursuing legislation on that matter. The Attorney General's office led the bill efforts last year, but they had no plans for further action. The absence of the CCJJ (Commission on Criminal & Juvenile Justice) left a void in addressing issue-oriented public safety measures. While the Governor was interested in creating a new entity to replace CCJJ, it would take a few months to determine the details and move forward. She also mentioned that street racing had been a major issue for Denver, Aurora, and Westminster. While it had been a priority for the city, there were no immediate plans in public safety to introduce legislation addressing street racing. Similarly, there were no active legislative plans regarding sentencing guidelines for displaying and discharging firearms during crimes. She said that their team had aimed to discuss these concerns with the delegation during upcoming meetings to gain insight into their perspectives and potential actions.

Cammie Grant mentioned that they were going to closely monitor the Joint Technology Committee's periodic presentations from the broadband office regarding the city's priority of broadband. They also planned to send the notes from these presentations to Liz Rogers. Additionally, they were going to watch the Colorado Youth Advisory Council to monitor youth-related issues, interests, and needs that might have affected Aurora. The Youth Advisory Council was overseen by a task force of six legislators and their first meeting was scheduled for August 9th.

Committee Discussion:

CM Lawson asked T. Rees about any former juvenile bills brought forward during the previous legislative session and whether there were any plans to revise and bring them back next legislative session.. Specifically, she referred to a bill related to the age limitation for youth, which Senator Coleman sponsored. T. Rees stated that she did not have a specific answer and would check. T. Rees confirmed that it was the bill Chief Acevedo testified on, and she recalled that the bill was heavily amended in the last few days. However, he was not certain about its status. P. O'Keefe then mentioned that the bill underwent significant amendments, but it remains unclear if it will be reintroduced.

P. O'Keefe mentioned that the previous bill was controversial and barely passed due to opposition from some conservatives and moderates in different caucuses. She also highlighted that without the CCJJ in place, there was no specific forum for such discussions at the time. However, there were plans to establish a new entity for these discussions, but details were still unknown. P. O'Keefe assured the Committee that they would check in with Senator Coleman, who was one of the sponsors of the bill, to see if he intended to continue the discussion, though it might be delayed given the election year and other considerations.

CM Lawson raised a question about allocating federal money for broadband to cities, particularly in Aurora. She had mentioned that constituents that reached out to her about this issue were wondering about the city's broadband plans and how funds will be allocated by the city. C. Grant,

in response, stated that she did not have an immediate answer but offered to check the matter and provide further information to CM Lawson.

P. O'Keefe mentioned that the broadband office had a plan for allocating the funding, and they could share that information with Liz. The office was focused on achieving 99% connectivity and was actively working to distribute the funds. CM Lawson acknowledged this.

CM Lawson had expressed her interest in having a presentation about the deployment of broadband funds, as there were many people in need of broadband in their neighborhoods. She wanted to understand the timeline for receiving state dollars, and how the city of Aurora would allocate the funds to areas that had no to limited broadband access. She thanked the presenters for their reports and asked CM Marcano if he had any questions regarding the updates.

CM Marcano had acknowledged that while Aurora had decent broadband coverage, affordability remained an issue for many residents. Additionally, some areas had poor service quality. He asked if the funding provided the opportunity to build public infrastructure and potentially sublet it. C. Grant and P. O'Keefe confirmed this.

CM Marcano inquired about the timeline for the funds. P. O'Keefe clarified that the funds were already being disbursed and were available.

CM Marcano had questioned the city's strategy to roll out fiber cabling while updating intersections and improving right-of-way. He had inquired if the city was utilizing the available funds to aid in this process, considering the challenge of costs and obtaining materials for the project. The question was directed towards Roberto Venegas and the team in general to address.

R. Venegas explained that the city had been strategically working on implementing last-mile fiber connections in areas where opportunities existed. They aimed to match the available funds with the last-mile and fiber change-outs criteria, considering construction and right-of-way availability. R. Venegas stated that he would collaborate with Peggie, Liz, and Cammie to formulate a strategy based on the established criteria. Together with Scott Newman, they aimed to explore potential programs aligned with their objectives. The focus was on addressing areas with inefficient or inadequate internet access to achieve higher speeds and coverage. R. Venegas would gather more information and invite Scott Newman to shed more light on their endeavors to address the last-mile areas.

CM Marcano asked whether the funding would hinder them from creating a public enterprise for broadband, drawing inspiration from Longmont's successful NextLight service. While acknowledging Longmont's service was primarily in rural areas, they believed certain underserved parts of their city could benefit from affordable and reliable broadband service. CM Marcano suggested that establishing such an enterprise could provide essential services to residents, generate revenue, and enhance the city's resilience for the future.

CM Lawson highlighted the importance of exploring a public enterprise for broadband and suggested the city consider use a portion of the funding to help residents who cannot afford internet access. She expressed hope that the broadband discussion would be revisited in the future.

Outcome: Information only.

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

6. WATER UPDATE

Summary of Issue and Discussion: Kathy Kitzmann presented the updates to the Committee.

K. Kitzmann provided two informational updates. She mentioned that in the last couple of days, the Governor's Office had announced stakeholder sector-focused meetings to discuss the recent Sackett vs. EPA decision on the definition of waters in the United States. The first set of stakeholder meetings occurred on July 26th, and Aurora Water staff attended those meetings and planned to participate in future meetings during the summer and fall. It was unclear whether the Water Quality Control Division would combine efforts with the Governor's Office or hold separate stakeholder meetings. K. Kitzmann noted that the discussions could potentially result in legislation that would be introduced in the next session or a rulemaking process, but everything was still uncertain at that point.

Committee Discussion:

CM Lawson raised a process question about the approval of support letters through email. She inquired if these approvals needed to be formally addressed during the meeting. Roberto Venegas clarified that they should be recorded in the meeting minutes, and K. Kitzmann would handle the matter.

Kathy Kitzmann discussed the Upper Colorado and San Juan River Endangered Fish Recovery Program Reauthorization, which aimed to secure support for reauthorizing the programs. These programs had been instrumental in ensuring compliance with endangered species regulations for Colorado River Water Sources since the late 1980s. However, they were set to expire on September 30th of the current year. The reauthorization process sought to extend both programs for seven years, although there had been hope for a 15-year extension. The discussions involved federal agencies, the upper Colorado River Basin State, and water providers relying on these programs. Two companion bills were being considered as part of the reauthorization efforts. She mentioned that Representative Boebert's team has been actively engaged and introduced House Bill 4596, working closely with Senator Hickenlooper's Office, who, along with Senator Romney, introduced Senate Bill 2247. Both bills had recent hearings, and support letters were requested and sent for both versions. The House will have its first hearing on July 27. Additionally, they sought co-sponsorship from Representative Crow for the House bill.

K. Kitzmann asked FSIR for approval on Aurora Water's request for support for Upper Colorado and San Juan Endangered Fish Recovery Programs Reauthorization Legislation, including but not limited to the support letters for both House and Senate bills and co-sponsorship requests from Senator Bennet and the remaining Colorado delegation. She noted that more support letter requests

might arise as the process continues, but all efforts would align with the ongoing legislative actions.

CM Lawson inquired if CM Jurinsky had any questions and whether they supported the content of the letters. CM Jurinsky affirmed their support. CM Lawson also expressed her support. There were no additional questions raised regarding the Endangered Fish Program.

K. Kitzmann then discussed the Stop the Spread of Invasive Mussels Act, which had appeared in various versions over the years. The 2023 version, Senate Bill 2105, introduced by Senator Bennet, aimed to clarify the Bureau of Reclamation's authority to assist in preventing mussels' spread at reservoirs. Over the years, there were efforts to collaborate with the Bureau of Reclamation for the Mussels Prevention Act at Twin Lakes and Turquoise Reservoir. Aurora and Colorado Springs Utilities, as home state partners, had largely funded these initiatives. Recently, additional partners joined the effort, which was a positive development. This legislation would ensure federal support without any hindrance. K. Kitzmann sought FSIR's approval for Aurora Water's support of this act. CM Jurinsky affirmed their support. CM Lawson also expressed her support.

K. Kitzmann provided an update on the PFAS topic, which was one of the federal priorities that went to the City Council Study Session and Regular Session. Senator Loomis introduced Senate Bill 1430, which offered the water utility exemption from CERCLA liability for PFAS. She requested FSIR to send a support letter regarding the PFAS legislation. She mentioned that the Senate Environment and public works released draft legislation and requested comments. Aurora Water provided a comment letter for the legislation, but it did not include the water utility exemption for PFAS liability. K. Kitzmann asked two questions to FSIR regarding PFAS legislation. The first question was whether FSIR approved of Aurora Water's efforts to amend PFAS legislation to add a CERCLA Liability exemption for water utilities. She clarified that this question applied broadly to similar comments sent for the Senate EPW draft legislation or any other parallel process. The second question was whether FSIR approved of Aurora Water specifically supporting Senate Bill 1430, known as the Water Systems PFAS Liability Protection Act. CM Jurinsky affirmed their support. CM Lawson also expressed her support.

K. Kitzmann discussed the topic of Aurora Water State Lobbying Services Request for Proposals. She mentioned that Aurora Water followed a 3-year cycle for the city-state lobbying services contract, and it was now time for a new cycle. They planned to start an open bid process and aimed to have the new contract in place by November 1st. K. Kitzmann sought approval from FSIR members for Aurora Water to initiate the request for proposals for state lobbying services. CM Jurinsky affirmed their support. CM Lawson also expressed her support.

K. Kitzmann mentioned that the next update on the topic might have been presented at the Regular Session. The process involved ensuring that the cost stayed under \$60,000, and if they received at least three bids, it would proceed without further complications. However, if fewer than three bids were received, a commentary would be conducted, and the update was expected to be provided during the October 9th Regular Session.

CM Lawson asked CM Jurinsky and CM Marcano if they had any questions, to which they both replied with none. K. Kitzmann then reminded everyone about the water tour and mentioned that

she had sent an email asking for confirmation on dinner selections, urging those who had not responded to do so.

Outcome: Information only.

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

7. MISCELLANEOUS MATTERS FOR CONSIDERATION

Council Member Lawson moved to postpone the November FSIR meeting under Miscellaneous Matters for Consideration to the next meeting since Council Member Zvonek was absent. The discussion on this matter was scheduled to take place during the next FSIR meeting, which was set for August 18.

CONFIRM NEXT MEETING

The next meeting is set for August 18, 2023, at 11:00 AM.

Approved:

Angela Lawson 8-18-23
Angela Lawson Date
Committee Chair