

Federal, State, and Intergovernmental Relations (FSIR) Meeting
Video Conference Call Meeting
February 16, 2024

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

Others present: G. Koumantakis, K. Kitzmann, L. Rogers, R. Venegas, S. Sundberg, M.
Hildebrand, M. Bryant, A. Coombs, R. Germeroth, L. Hettinger, L.
Huiliang, L. Callanen, C. McClelland, B. Mendoza-Ortega, M. Parnes, P.
O’Keefe, L. Perry, J. Prosser, J. Rustad, T. Rees, T. Velasquez, T.
Worker-Braddock, S. Day, Mayor Coffman, S. Mitchell, J. Seman

1. CONSENT ITEMS:

None.

2. APPROVAL OF MINUTES

February 02, 2024 meeting minutes were approved.

3. Resolutions

Resolution of the City Council Regarding the Transportation of Migrants and Those Experiencing Homelessness into Aurora without an Agreement to Address the Financial Impact and Coordination of Services.

Summary of Issue and Discussion:

CM Sundberg discussed the migration crisis and that sanctuary cities are becoming overwhelmed. He mentioned that Aurora City Council voted in 2017 not to become a sanctuary city and conveyed their stance on the issue. He explained Aurora was not a city and county like Denver with deeper resources and they had a fiscal responsibility to residents to take care of the citizens they have now.

CM Jurinsky explained the resolution did not mean they were no longer going to take care of the community. CM Jurinsky stated that if any city sends migrants to Aurora, they were asking for an IGA and financial support. She also explained she was concerned with the human trafficking issue.

CM Sundberg added he wanted to see Senators Hickenlooper and Bennet to plead with the federal government and the president to bring the border under control.

Committee Discussion:

CM Gardner asked what the enforcement mechanism was for the section in the resolution stating that the city council demands organizations cease transporting migrants and those experiencing homelessness into Aurora. He said they were currently not enforcing that and wanted to know the fiscal note and the mechanism that would be used to enforce this section and what was the punishment for violating the section.

G. Koumantakis answered it was a statement by the council about what the council wants and it was not an enforcement mechanism because it is not an ordinance.

CM Jurinsky s explained they could only enforce something that happened within the city of Aurora. So the bus driver that physically drove into Aurora to drop off migrants could be ticketed.

GM Gardner stated that the city attorney did not say that.

G. Koumantakis said he thought that was related to a discussion on an ordinance.

CM Jurinsky clarified that if they had to go that route, there is an option to enforcing it if need be, but right now this resolution is just a statement.

CM Gardner asked about the section stating that the city council resolves and will not allocate public funds, services, or staff resources for migrant support. He asked if a migrant made their way into the city and got hurt, would that mean emergency services would not provide them those services with that statement?

CM Lawson asked the sponsors clarification on that section.

CM Sundberg said he was at the Medical Center of Aurora yesterday, and the question came up of the type of care they are providing migrants. He said emergency situations are a no-brainer and that they would give anyone who needed it care.

CM Gardner argued his question was not about the Medical Center of Aurora because that's not the city of Aurora. He said the resolution says they would not allocate public funds, services, or staff resources for migrant support. He stated, taking it as the definition reads, a fire truck would not respond if a migrant gets hit in the middle of an intersection and is bleeding to death.

CM Jurinsky expressed that was not what it read at all because if a migrant gets hit, someone would call 911.

CM Gardner stated his point was they were putting a statement in the resolution saying they would never do something, but there were situations where they would do something and that sends a mixed message to staff. He asked if the fire department was supposed to check the immigration status of someone before providing medical care because that is how it reads.

CM Jurinsky said that is where common sense would come into play, and they would not turn down service to anyone in an emergency situation, and they were not changing police or fire directives.

CM Gardner commented the resolution did not say unless common sense dictates, they should provide or allocate public funds. He also stated he did not think city council should be making a policy statement on a federal issue. He added they already had a resolution stating they were not a sanctuary city and that would not be going away. He added that he understood these national and international issues like immigration and the Israel/Palestine conflict find themselves in local government, but the onus was on them to push back and not allow those issues to take over their debates.

CM Jurinsky expressed she was happy to strike everything in the resolution that talked about the federal government because the point was to address their surrounding cities that have bussed migrants in and thrown Americans out on the street.

CM Sundberg pointed out that if you're on the FSIR Committee, you will state a position on federal issues.

Mayor Coffman asked if CM Jurinsky wanted to offer an amendment to the resolution. CM Jurinsky answered she did not care to mention anything about the federal government but would also support it if it remained in there.

CM Sundberg stated it was a crisis that could deeply impact their city and surrounding areas much more severely going into the future.

CM Lawson explained they could if they wanted to make amendments, but this was not the work session to do so.

CM Jurinsky suggested voting on it as is, and they could have a further conversation in the study session, and if they need to make amendments at that time, they could.

CM Coombs asked if the resolution would impact services provided to individuals with temporary protected status, refugee or asylum status already adjudicated or processing, or people already in the city of Aurora with TPS or other status.

CM Sundberg said they did not want that.

CM Coombs asked to clarify what they did not want.

CM Sundberg explained they did not want what she described happening to those individuals.

Mayor Coffman said there was an issue with individuals crossing illegally, getting arrested, processed, getting a court date, and then being released into the country. They were in the country legally through that. He stated the issue is if there was an organized effort by a surrounding jurisdiction to bring people here, either migrants or homeless people, there needed

to be an agreement with the city of Aurora to help them with their operating cost should they arrive at an agreement. He stated there was an agreement regarding the purchase of the hotel and renovation cost but no agreement as we advance beyond that to cover the operating cost.

CM Jurinsky explained that nowhere in the resolution did it say migrants could not come to Aurora. Still, if they were going to be brought into Aurora, they were asking for the IGA and financial support because they would not shut down taxpayer services to fund it.

CM Lawson said she wanted to know if this resolution passes, would Notice of Funding Opportunities (NOFO) agreements that we have approved for nonprofits to receive funding from the city for homelessness services have to be revised with the provisions stipulated in the resolution or would this not occur and would just be a separate IGA?

Outcome:

CM Jurinsky and CM Lawson voted to move the resolution forward; CM Gardner voted no.

Follow-Up Action: The resolution will move forward to full council.

4. FEDERAL LEGISLATIVE UPDATE

Summary of Issue and Discussion:

L. Hettinger stated 95 million dollars was passed for Ukraine and Israel on Monday morning. She said the House voted for the impeachment of DHS Secretary Mayorkas and got the votes to get that done on Tuesday. She stated they were working on the Appropriations Bills, and the Speaker wanted to get it over the finish line and get enough Democratic votes. L. Hettinger expressed positive about getting the bill before the March 1st deadline. She explained the Senate would start holding budget hearings with the administrative agency heads to discuss budget requests. She also announced the State of the Union was March 12th, with the president's budget to be released around that time. L. Hettinger stated she attended the Department of Transportation and said they were trying to get out the grant notice of funding opportunities.

Committee Discussion:

Mayor Coffman asked if there was a chance for a discharge petition on Ukraine and Israel.

L. Hettinger stated that it was hard to predict. She added that a group of bipartisan moderate Republicans and Democrats issued another border security supplemental bill, but the Speaker had not commented on that yet.

Outcome: Information only.

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

- **FY 25 Congressionally Directed Spending Requests**

Summary of Issue and Discussion:

L. Rogers discussed projects for the congressionally directed spending for FY 25. She expressed it was not guaranteed they would get the funding, but the staff would work hard to get that done. She explained that the first project was a mobile command vehicle for increased community safety designed to improve accessibility, efficiency, communication, and community engagement. She noted the request was \$843,000 with a 22-month timeline. She talked about the Havanna Street Corridor Multimodal Improvements Project, which would promote active pedestrian, bicycle, and transit-friendly places and safe and convenient travel along Havanna Street Corridor with a request for 2 million dollars. The next project would be the Peoria Bridge Replacement, including reconstruction of a functionally obsolete and deficient bridge over Sand Creek, with a request of \$3 million. She discussed the next Box Elder Creek Bridgeway improvements project to construct the now closed, flood-damaged 56th Avenue and Hudson Roads with a request of \$3 million. Lastly, she discussed the Mount View Blvd Widening Project to transform the thoroughfare into a five-lane section with a request of \$3 million to include concrete paving, storm pipes, and lighting.

Committee Discussion: None.

Outcome:

CM Gardner, CM Jurinsky, and CM Lawson approved all the requests.

Follow-up Action:

No follow-up is needed.

5. STATE LEGISLATIVE UPDATE

- **Legislative Discussion**

Summary of Issue and Discussion:

P. O’Keefe expressed they have had 460 bills introduced and will likely see another couple hundred in the remaining days. She highlighted a few bills they had positions on that have been moving, including HB24-1076, the Purple Star Program, that passed in the House. SB24-065, distracted driving legislation, that was successfully amended to include code enforcement officers and animal protection officers under the exemptions, and SB24-036, vulnerable road user protection, to exempt government-owned vehicles from the fees. She then gave a quick update on some upcoming bills, including SB24-106, Construction Defects Legislation, and HB24-1152, Accessory Dwelling Units Bill.

Mayor Coffman gave a heads-up that he, P. Schulte, and CM Hancock met, and he also talked to the governor and his staff about coming up with a better solution for vehicle registration enforcement. He said they would have someone pull a bill title to start the drafting. He said there would also be a resolution before the city council in support of the concept to allow them to engage their lobbyists and get resources.

Committee Discussion:

CM Lawson asked Mayor Coffman if he had any potential sponsors for the bill.

Mayor Coffman answered not yet, but a resolution would be coming forward as soon as they can get it done.

Outcome: Information only.

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

HB24-1162: Penalty for Theft of Firearms

The bill would remove firearms from the value of the items stolen and would make it a separate felony regardless of how valuable the firearm was. Staff recommended a support position.

CM Jurinsky expressed she did not think it was strong enough and the exact reason why guns get into the hands of the wrong people. She said a class 6 felony would be a six-month probation and would like to see it stronger, but she was happy to support if her colleagues wanted to.

CM Lawson inquired about a possible amendment.

M. Hildebrand stated there could be an amendment that would be added to the POWPO. He explained the first theft was a felony, and if they were contacted with a firearm, stolen or not, they would automatically be put in the POWPO. He said it was at least something they could add to have a little more teeth to it.

CM Lawson, CM Jurinsky, and CM Gardner supported the bill.

SB24-035: Strengthening Enforcement of Human Trafficking

This bill would strengthen the statute of limitations and strengthen the penalties. Staff is recommending a support position and the city proclamation in January 2024 for trafficking awareness and prevention month.

CM Jurinsky stated she did not believe there should be a statute of limitations on human trafficking. She noted she did not support and would prefer an amendment.

CM Lawson said she supported it but would be interested in a possible amendment regarding the statute of limitations.

CM Gardner and CM Lawson supported the position.

SB24-036: Vulnerable Road User Protection Enterprise

A previous bill was brought forward as an amended position to ensure municipal vehicles would be exempt from the fee structure within the bill. The amendment passed on February 5th, and staff recommends a support position because it does establish a grant program the city could utilize.

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

SB24-065: Mobile Electronic Devices & Motor Vehicle Driving

This was a previous bill that Staff recommended an amend position on and now wanted to recommend a support position. The amendment was approved on February 12th to add code enforcement and animal protection officers to the list of exemptions in the bill.

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

SB24-106: Right to Remedy Construction Defects

Several people worked on the bill and would establish procedures for bringing a lawsuit forward for construction defects claim, which is part of the 2024 city legislative priorities. Staff believes it will encourage more development of affordable housing, condos, and townhomes and recommend a support position.

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

SB 24-107: Weapons Possession Previous Offender Add Crimes

The bill is the POWPO legislation and one of the 2024 priorities, with the amendment to add in firearms as well. Staff recommended an amendment to add firearms, and the original staff recommendation was to support.

Judge Day pointed out that the bill had already been set, and if there were a need to pose additional amendments, it would need to be done before the 28th before it goes to committee.

CM Lawson asked to make sure it was noted that they wanted to seek the amend position.

M. Hildebrand stated he did not think theft was a predicate under the POWPO, so making possession of a stolen firearm a felony would need that to be added as a predicate.

L. Rogers stated it was part of their priorities, so the city would still like to support it.

CM Lawson, CM Gardner, and CM Jurinsky supported the position of support with an amendment to the sponsors.

HB24-1168: Equal Access to Public Meetings

This bill requires state and local public bodies to ensure accessibility requirements are implemented by July 01, 2025. Staff has several concerns about providing video conferencing options, such as impacting how many city council meetings would need it, requirements that go above and beyond what is practical, and a challenge to implement if you do not have reliable broadband or internet access. Staff recommended to oppose the bill in its entirety.

CM Gardner said he had some concerns with opposing it from a transparency perspective, but he also understood staff concerns.

CM Lawson, CM Jurinsky, and CM Gardner supported the oppose position.

6. WATER UPDATE

SB24-127: Regulate Dredge & Fill Material State Waters

K. Kitzmann stated that if they had a large project or maintenance activities, they might have dredge and fill activities Waters of the United States so that they would need a federal permit. She explained that you would get a state permit if you do not need a federal permit but are in the pre-Sackett Gap waters. She mentioned there would be a competing bill the state is developing. Staff supports this version of the bill.

Mayor Coffman asked if the competing bill was more in line with the federal Waters of the United States.

K. Kitzmann said it was just in outline form right now and was pleased to see the outline grabbed language from SB24-127, but it gave room to expand beyond that.

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

7. MISCELLANEOUS MATTERS FOR CONSIDERATION

CM Lawson asked if G. Koumantakis if an email out to all of the council if a bill comes up between FSIR meeting times and the regular council meetings to get the position of the entire council if there is disagreement with the FSIR committee and then do a formal voting at study session since we are not meeting every week now.

G. Koumantakis stated the problem with an email with more than two council members was the jeopardy of having a meeting. He said if she wanted to do it formally, he would want to look at the requirements but thinks they would have to notice a meeting.

CM Lawson asked P. O'Keefe if she knew if HB24-1007 would be going to the housing committee would it be before February 26th, the next council meeting.

The bill is confirmed to be heard by that committee on March 12th. CM Lawson asked G. Koumantakis to look into what rules state so we can have an option in case we need to do so.

G. Koumantakis stated he thought that with council rules, a council member could use their prerogative and send it directly to a council member, but he would look further into that.

CONFIRM NEXT MEETING: March 1, 2024, Virtual

Approved:

Angela Lawson
Committee Chair

Date: