



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY MANAGER

File #: 19-467

Board Meeting Date: 6/4/2019

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Michael P. Callagy, County Manager
Connie Juarez-Diroll, Legislative Officer
Subject: Legislative Coordination and Advocacy Policy

RECOMMENDATION:

Adopt the following policy regarding the coordination and advocacy of legislative action for the County of San Mateo.

BACKGROUND:

The purpose of San Mateo County's Legislative Program is to: secure legislation that benefits the County and its residents, oppose/amend legislation that might adversely impact the County's delivery of services; shape public policy in priority areas that impact County government; and secure state and federal funding through the grant and/or appropriations process.

DISCUSSION:

Recognizing the need for consistency in conveying official Board positions on federal and state legislative matters and to provide an effective program of legislative representation, the County of San Mateo shall institute a coordinated process involving interaction between the Board of Supervisors, the County Manager's Office, County departments/agencies, and the County's legislative advocates in Sacramento, and Washington, D.C.

The following procedures are instituted in order to facilitate active participation by County departments/agencies, allow the County Manager's Office (Legislative Officer) to act as a centralized clearinghouse for legislative matters, and to ensure that all advocacy efforts are entirely consistent with Board-approved positions:

PROCEDURE

A. **STATE AND FEDERAL LEGISLATIVE PROGRAM**

The purpose of County's Annual Legislative Program is to identify and secure Board action on

specific state legislative proposals to be pursued during the upcoming year and to guide advocacy efforts by the County's legislative advocates, the County Manager's Office, and County departments/agencies.

The following process is used to develop the County's Legislative Program:

1. The Legislative Program serves as the official policy/agenda for a term of two years. In January or February of each odd numbered year, the Legislative Officer will present the County's Legislative Program, including the Legislative Priorities, to the Board of Supervisors for consideration. Once adopted, the Program will be the official policy/legislative agenda for the next two years. The Program will serve as a tool for focusing on and achieving the County's primary legislative goals, as well as a reference for evaluating similar legislation under consideration at the state/federal levels. In January or February of each even numbered year, the Legislative Officer will provide the Board of Supervisors with an update of the County's Legislative Priorities for approval. The updated legislative priorities will reflect evolving policy developments at the state and/or federal levels. The update may also include minor updates to the standing County Legislative Policies of a nonsubstantive nature.
2. Each fall/winter, the County Legislative Officer will solicit proposals for County-sponsored legislation from all departments/agencies and the Board of Supervisors. After review, proposals that improve or assist county operations will be included in the recommended Legislative Priorities section of the County's Legislative Program. As set forth in further detail in Section B(3)(b) below, Board approval will be required for any legislation not included in the Legislative Program which is subsequently proposed on behalf of the County or which the County desires to support or oppose.

B. PENDING STATE AND FEDERAL LEGISLATION

Staff will advise the Board of Supervisors on pending legislation which may have a significant impact on the County. The process for obtaining a County position on pending legislation is as follows:

1. County departments/agencies are typically responsible for monitoring legislation in their specific areas and bringing bills which have a potential major impact on the County to the attention of the County Legislative Officer by submitting an analysis. Board members may also independently request Board action on pending legislation. In these instances, it is requested that they work in collaboration with the County Manager's Office/Legislative Officer to conduct the necessary reviews set forth in detail in Sections 3(a) or 3(b) below.
2. The County Legislative Officer will review the department's analysis. If the Legislative Officer is not in concurrence with the department/agency recommendation, or if the bill potentially impacts more than one department/agency, the Legislative Officer will work to achieve a consensus position among the departments involved.
3. After review of the departmental/agency recommendations and the pending legislation, the Legislative Officer will make one of the following determinations:
 - a. A Policy Position Exists and is referenced in the County's Legislative Program:
 - i. **Action can be taken by the Board President and County Manager.** If the policy issue related to the pending legislation is included in and consistent with the current two-year term of the County's Legislative Program, then the Board President and/or the County Manager can take immediate action. The Board President and County Manager would act on legislation with the assistance of the Legislative Officer, in the form of a letter of support or

opposition.

- b. A Policy Position Does Not Exist and is not referenced in the County's Legislative Program. If the policy issues related to the pending legislation is not included in the current two-year term of the County's Legislative Program then action is limited to the following:
 - i. **Formal Board Action is Required.** In those instances when a policy regarding the pending legislation does not exist, formal action by the Board of Supervisors is generally required in order for the County to set forth its position on the issue(s). The Legislative Officer will complete an analysis in consultation with County staff and the County Counsel's Office of the policy item for placement on the Board's agenda. (See attached sample County analysis form.) Working with the County Manager, the Legislative Officer will seek, when possible and feasible, to place the item on the next available Board agenda for action.
 - ii. **Action can be taken by the Board President and County Manager.** In those instances when a policy regarding the pending legislation does not exist and the pending legislation is of critical importance and requires immediate action prior to the next Board meeting, the Board President can take immediate action with the assistance of the County Manager and the Legislative Officer, in the form of a signed letter of support or opposition in the event that the Board President reasonably believes that a majority of the Board would support such action. The Legislative Officer is then directed to place the item on next Board of Supervisor's meeting agenda for Board ratification.
4. The Legislative Officer will track the progress of and maintain a list of all bills on which the Board of Supervisors has adopted a formal position.

C. COORDINATION OF STATE AND FEDERAL LEGISLATIVE ADVOCACY

To maintain a presence in Sacramento and Washington, D.C., the County contracts for state and federal representation to advocate official County positions on pending state and federal legislation, County sponsored bills, administrative and/or regulatory proceedings, and funding requests.

1. It is the primary responsibility of the Legislative Officer, in coordination with the Sacramento and Washington, D.C. advocates, to advance official County positions on bills as they progress through the legislative process. However, this advocacy may include the participation of Board members, the County Manager, department/agency heads, and other designated County staff as appropriate.
2. Advocacy activities may include direct interaction with members of the Legislature and their staffs, legislative committees and their staffs, the Administration, state and federal agencies, statewide organizations (e.g., California State Association of Counties (CSAC), Urban Counties of California (UCC), League of California cities, and others), as well as local or regional governmental decision-making bodies.
3. County employees, including elected officials and appointed department heads, may not take any action that would imply the County's support or opposition to any pending legislation in the absence of, or inconsistent with, adopted Board positions.
4. Any time a County employee appears before a state, federal or local body to express a personal opinion or make a public comment, that individual must state for the record that

they are speaking as a private citizen, and not as an employee of the County or a representative of the department/agency for which they work. Further, written personal opinions shall not appear on County or departmental stationery.

5. Elected officials are encouraged to openly communicate with the County Manager's Office/Legislative Officer on important state and federal issues. In addition, the support of elected officials on behalf of County policy positions can be a persuasive factor when dealing with state and federal representatives, and efforts to maintain this cooperative spirit will be given a high priority by the County Manager's Office/Legislative Officer.

D. LEGISLATIVE ADVOCACY

The following procedures address appropriate advocacy efforts on behalf of San Mateo County.

1. Testimony

- a. In general, the County Manager's Office, department/agency heads and the County's contract advocates will represent the County in Sacramento and Washington, D.C. for the purpose of conveying County support or opposition to specific measures, as well as how those measures affect the County.
- b. The Legislative Officer will coordinate with the County's advocates the scheduling of testimony/presentations before legislators, staff members and legislative committees.
- c. Appropriate County staff may be authorized by the County Manager's Office to advocate before the Legislature and their staff, committees, and local or regional governmental decision-making bodies on policies consistent with the Board of Supervisors' formal action. Proposed testimony and related materials must be submitted to the County Manager's Office so that the Legislative Officer can review the materials and coordinate the testimony with that of other agencies, counties, etc. as necessary.
- d. When requests are received by a department/agency to present informational and/or expert testimony (i.e., technical expertise) on an issue, it is not necessary to provide a copy of the testimony to the County Manager's Office for review prior to the testimony. However, notification is required to the Legislative Officer about the expert testimony in order to facilitate coordination of testimony with other counties or agencies, if necessary.
- e. When a department/agency is requested or invited to provide expert testimony about a subject on which the Board of Supervisors has no formal position, it is imperative that the individual providing the testimony state for the record that they are providing testimony as an expert in the given field, and not as a representative of the County.
- f. The Legislative Officer will coordinate with the County's advocates the scheduling of presentations before legislators, staff members, and Committees.

2. Written Correspondence

- a. Following action by the Board of Supervisors on legislative matters, or if the action is contemplated by the County's current Legislative Program, the Legislative Officer will coordinate with the Board President to send a letter detailing the Board's position to appropriate state and federal representatives, committees, and agencies.
- b. Letters of support or opposition to legislation will be prepared and coordinated

with departments by the Legislative Officer or County staff in accordance with Board -adopted positions. As appropriate, and in collaboration with the County's advocates, letters of support/opposition will be sent to appropriate state and federal representatives, committees and agencies.

- c. In coordination with the Legislative Officer, written correspondence on behalf of the County to elected officials at the federal, state or local level shall be transmitted over the signature of the Board President, the County Manager, or County advocates.
 - d. No department/agency shall take any action that would imply the County's support or opposition to any pending legislation and/or regulation in the absence of or inconsistent with an adopted Board position.
 - e. Correspondence regarding legislation sent by independently elected officials must specify that they are issued in their own capacity and not on behalf of the County or the Board of Supervisors.
3. Other Contact with State and Federal Representatives
- a. County staff planning trips to Sacramento or Washington, D.C. to meet with state or federal representatives, committees, and/or agencies shall notify the Legislative Officer of their intended appearance, specifying the general purpose of the visit and whom they plan to see. Although issues to be discussed may appear minor or administrative in nature, advance notification of such appearances may allow legislative staff to provide the department with information that will enhance the meeting.
 - b. Any written materials that are to be presented to a state or federal representative, committee, or agency of a legislative or policy nature should be provided to the County Manager's Office/Legislative Officer in advance of such presentation. This will permit the County Manager's Office to review the material to ensure that the information does not contain inconsistencies with adopted Board policy. Elected department heads are also encouraged to provide the County Manager's Office/Legislative Officer with copies of their materials so that the CMO is aware of their legislative positions and better coordinate with the Board of Supervisors and/or members of the County's delegations.
 - c. It is important that the County Manager's Office/Legislative Officer be informed as to what occurred at or as a result of the meeting in the event that questions are raised at a later date by a Board member.
 - d. From time to time legislators, as well as officials of state and federal agencies, may request/schedule meetings or visits to County departments/agencies. It is important that advance notification of these visits/meetings be provided to the Board President, the County Manager and Legislative Officer. If appropriate, and when convenient, a Board member or representative of the County Manager's Office may wish to participate in the meeting/visit.
4. Professional Organizations-Request for Advocacy
- At times, professional organizations representing various functions of County departments/agencies may take a position on a particular piece of state or federal legislation and request letters of support/opposition for that organization's position.

Before writing letters in support of a professional organization's position or engaging in

other related advocacy activities, appointed heads of departments/agencies shall contact the County's Legislative Officer to:

- Discuss the requested action;
- Determine whether there is existing County policy on the issue; and
- Verify that it does not conflict with adopted Board policy or adversely impact other County operations.
- Elected department heads are authorized to send correspondence on legislation under their own signature, however, they must clearly state that they are not speaking on behalf of the County or the Board of Supervisors.

5. **Boards and Commissions-Advocacy Activities**

Some departments/agencies work directly with and coordinate activities with an advisory board and commission. If the board or commission wish for the Board of Supervisors to take a position on a measure, the chair of the board or commission must work through their department/agency staff liaison to bring the issue to the attention of the County's Legislative Officer for review and action. The Legislative Officer will determine if there is standing Board policy to take action or if the measure needs to be brought to the Board of Supervisors for action.

E. **POSITIONS AND COMMENTS ON FEDERAL AND STATE RULEMAKING AND STATE AND FEDERAL BUDGET LEGISLATION**

On behalf of the Board of Supervisors and in consultation with the Board President, County Manager, County departments/agencies and the County Counsel's Office, the Legislative Officer will submit comments on pending state and federal rulemaking and/or state and federal budget matters when:

1. Existing policy on the issue exists in the County's Legislative Program and affected county departments/agencies agree with the position, or
2. The proposal is technical, non-controversial or the policy impacts to the County are minor and there is no existing policy; or
3. Action is needed immediately to ensure that the County's interests are protected; or
4. Action is needed to prevent modification or termination of an existing County program or policy

In all such instances outlined above, the Board of Supervisors will be informed of the actions taken on their behalf.

F. **STATEWIDE BALLOT PROPOSITIONS AND LOCAL BALLOT MEASURES**

The process for action on statewide ballot measures is as follows:

1. Board members, elected department heads, appointed department heads, the County Manager, and Legislative Officer may request the Board take action on statewide ballot propositions of potential impact to the County.
2. The Legislative Officer will review and prepare an impartial analysis of all statewide ballot measures brought before the Board of Supervisors for action. The Board analysis shall include copy of the ballot measure or a link to it; sufficient information to understand the impacts to the County; a list of known support or opposition; and identification of existing County policy or policies that justify the recommended position or the new policy.
3. The Board item shall be scheduled for action sufficiently in advance of the election to enable the Board's action to be relevant, and to the extent possible, to enable the Board to

postpone and reconsider the measure at a later Board meeting.

G. LEGISLATIVE REPORTS TO THE BOARD

1. The County's Legislative Officer shall provide to the Board monthly reports on the progress of County-sponsored legislation during the legislative session and a list of all legislation the County has taken a position and/or is tracking for informational purposes. Included in the report, which will be transmitted via the Board's agenda, shall be issues at the forefront of discussion at the state/federal levels that may have a fiscal and/or operational impact on the County.
2. The County's Legislative Officer shall provide quarterly reports to the Board on the status of legislation for which the Board has formal adopted positions during the legislative session. These reports will be included in the County Manager's Quarterly Report to the Board.

PERFORMANCE MEASURE:

Measure	FY 2018-19	FY 2019-20
State/Federal Measures analyzed and acted on	150	200

FISCAL IMPACT:

None