

2016 Legislative Affairs Program Guidelines

The County of Orange recognizes the need to protect its interests in Sacramento and Washington, DC. To be most effective, the County of Orange has at its disposal the County Executive Office-Legislative Affairs Unit and the County's Legislative Advocates.

Attempts to impact public policy debate are an ongoing challenge. As more entities engage in these debates, the County of Orange must ensure that its Legislative Affairs Program effectively impacts the legislative, administrative and regulatory processes. This document serves as a protocol for the Board of Supervisors (Board), County departments/agencies (Departments), CEO office of Legislative Affairs (CEO/LA), and the County's Legislative Advocates to follow.

I. BOARD

- A. The Board will direct the County's legislative efforts as the elected legislative body with the authority to make policy decisions for the County of Orange.
- B. The Board will adopt a two-year Legislative Platform corresponding to the state and federal legislative sessions that will direct the County's legislative efforts.
- C. Any member of the Board may agendaize specific issues at any time regarding the County's legislative program or regarding a specific legislative proposal.
- D. Individual Board members may write correspondence and make public their position on a particular public policy issue. They may not, however, state their position as being a position taken by the County unless the matter has come before the entire Board and a majority has approved it.

II. COUNTY EXECUTIVE OFFICE, LEGISLATIVE AFFAIRS PROGRAM

A. Overview

- 1. CEO/LA will provide an independent legislative analysis for the Board. Their responsibility is to serve the Board in an advisory role regarding how to best represent the County's interests in Sacramento and Washington, DC. CEO/LA staff serves under the policy direction of the Board but reports to the County's CEO.
- 2. CEO/LA has the primary responsibility to identify and monitor bills of interest and influence the legislative process by administrating the County's legislative affairs program in collaboration with Departments. It is the responsibility of the Legislative Advocates to impact the process through their lobbying efforts in Sacramento and Washington, DC.
- 3. CEO/LA will provide the primary communication link between the Board, Departments and the Legislative Advocates regarding the County's goals on bills of interest.
- 4. CEO/LA will use the Legislative Platform in addition to Board direction to guide legislative affairs efforts.

5. CEO/LA, in conjunction with COO, will monitor Departments to ensure they are operating in a manner consistent with these procedures.
6. CEO/LA will work with designated staff from each Department for the purpose of regularly updating Departments regarding legislative issues. CEO/LA will maintain a list of the designated staff for each Department and will update the list on a regular basis.

B. Legislative Platform

1. Every even numbered year, CEO/LA will draft and the Board will adopt a two-year Legislative Platform that corresponds with the state and federal legislative sessions. The platform will communicate key legislative priorities and policies of the County in Sacramento and Washington D.C. and provide policy direction and guidance to Departments and staff.
2. CEO/LA will seek input for the platform from the Board, Departments, the Orange County legislative delegation, local elected officials, and area stakeholders.
3. Every odd numbered year, CEO/LA will work with the Board and Departments to update and revise the platform as necessary.
4. Any change to the Legislative Platform after its adoption must follow the Letter to the Board process outlined in Sec. II.(E)

C. County Sponsored Bills

Overview

1. The County of Orange may sponsor legislation as a means of accomplishing its policy and priority goals.
2. Before bringing each legislative proposal before the Board, CEO/LA in collaboration with Departments, Legislative Advocates, and County Counsel, as appropriate, will analyze how each legislative proposal would impact the County.
3. In the fall, before each legislative session, the Board will determine the legislative proposals for which the County will seek authors in Sacramento and sponsorship in Washington, DC.
4. Following the Board's decision on which legislative proposals to pursue, CEO/LA in collaboration with Departments, Legislative Advocates and County Counsel will develop bill language/proposal and a background sheet.
5. CEO/LA will work with the County's Legislative Advocates to identify authors/sponsors for each legislative proposal approved by the Board.
6. CEO/LA may work with the County's Legislative Advocates on any technical or minor changes to County sponsored legislation. Any substantive changes under consideration must be brought to the Board for approval.

7. CEO/LA will keep the Board and relevant Departments apprised of the status of County sponsored bills.

Role in Sponsored Legislation

1. Once an author has been identified, CEO/LA and the Legislative Advocates will work with the author's office to ensure:
 - a. The proposal has been submitted to the California State Legislative Counsel or Congressional staff for drafting.
 - b. A background sheet for each Committee to which the bill has been assigned has been completed and returned to the author's office.
2. CEO/LA and the Legislative Advocates will also:
 - a. Work to remove any opposition to the bill.
 - b. Work to build support for the bill.
 - c. Work to add co-authors to the bill.
 - d. Communicate with the author's office regarding the bill and provide any additional information or resources necessary.
 - e. Provide the Board with regular updates on the bill's progress.
 - f. Provide affected Department(s) with regular updates on the bill's progress.

D. Board Direction

1. CEO/LA will work with the Clerk of the Board to place a recurring agenda item (Legislative Bulletin) on the Board's agenda to allow the Board to take immediate action when necessary.
2. CEO/LA will bring before the Board via the Legislative Bulletin any bill deemed by CEO/LA to have a high level of significance due to Board interest, strategic positioning or coalition building.
3. When recommending action on a particular bill, CEO/LA will provide an analysis and a recommended course of action.
4. CEO/LA will provide Board offices with copies of any CEO/LA external correspondence pertinent to the County's legislative affairs efforts.
5. When a Board member identifies an issue of importance requiring action and it is approved by the Board, it will be termed a *Board Initiative*. Such initiatives represent a major legislative or administrative/regulatory issue of importance to the County and include an action plan with a timeline and desired outcome. *Board Initiatives* will be tracked in accordance with Sec. II.(L)

E. Letter to the Board

1. A letter to the Board is required before consideration of legislation with subject or policy implications that are not included, or are contrary to, the approved Legislative Platform. If the request is made by a Board member, the letter will be placed on the Board's agenda as an attachment to the standing Legislative Bulletin, separate from other legislation under consideration. If the request is generated from a Department, the letter will be evaluated by CEO/LA prior to inclusion in the Legislative Bulletin.
2. The letter can either provide a recommendation on specific legislation by the requesting entity, or it may request that the Board incorporate a new policy into the Legislative Platform on additional matters of importance to the County.
3. CEO/LA will provide an analysis of the legislation or policy as an attachment to the letter.
4. Letters to the Board from Departments must be submitted to CEO/LA at least 14 days prior to a Board meeting.

F. Legislative Tracking

1. CEO/LA will identify all bills which relate to the County's Legislative Platform and which may have a direct and specific impact upon the County of Orange throughout the legislative session. CEO/LA will monitor each bill's status and language in coordination with Departments and Legislative Advocates.
2. CEO/LA will develop a complete listing of all of the bills which are being monitored.
 - a. On a monthly basis, while Congress and the State legislature are in session, CEO/LA will provide each Board Office and the CEO with an updated tracking report on county sponsored, position, and high watch bills.
 - b. The Tracking Report will categorize each bill, taking into account its impact on the County, priority level of the bill, and how it correlates with the policy directions of the Board. The categories will be as follows:
 1. **County Sponsored** – legislation primarily developed and advocated (or promoted) by the County.
 2. **County Position** – bills for which the Board has adopted a position.
 3. **High Watch** – bills likely to be recommended for Board consideration or that may have a significant impact on the County.
 4. **Watch** – bills identified by Departments or outside organizations as significant, but for which Board action is not yet necessary.

G. Bill Analysis

1. CEO/LA will be responsible for the completion of an independent analysis on each bill brought before the Board and for any bill for which a Board office requests an analysis.
2. An analysis of any bill should include the following information as appropriate:
 - a. The bill number
 - b. The name of the bill's author
 - c. The version of the bill analyzed
 - d. CEO/LA recommended Board action
 - e. The policy question related to the bill
 - f. A summary of the legislative proposal
 - g. Arguments in support of the bill
 - h. Arguments in opposition of the bill
 - i. A list of supporters of the bill
 - j. A list of opposition to the bill
 - k. Impact upon the County- fiscal and other
 - l. Orange County delegation votes/position (if available)
 - m. Background
 - n. Any other information deemed necessary

H. Board Positions

The Board will adopt one of the following positions when considering legislation:

1. **Support** – the bill has a favorable fiscal, policy or operational impact on County programs and is consistent with existing County policy. If the bill is amended, this position remains in effect unless the Board modifies its position.
2. **Support if Amended** – the bill could be beneficial to the County, but has a provision or provisions that make it unacceptable in its present form. If the bill is amended as requested, the County's position changes to Support.
3. **Oppose** – the bill mandates unjustified costs, interferes with efficient administration or operations of County programs, and/or is in conflict with policies adopted by the Board. If the bill is amended, this position remains in effect unless the Board modifies its position.
4. **Oppose Unless Amended** – the bill is undesirable, but can be made unobjectionable by amendment. If the bill is amended as requested, the County's position changes to neutral.
5. **Neutral** – the County has no position.
6. **Watch** – the bill has been introduced as "intent" language, which may have an impact on the County. If the bill is amended, this position remains in effect unless the Board modifies its position.

I. Board Correspondence

1. After the Board adopts a position on legislation, a letter will be sent by the Chair or designee on behalf of the County to the bill's author.

2. A copy of the letter will be provided to the Orange County legislative delegation.
3. Throughout the legislative process a letter with the Boards adopted position will be sent to each committee the bill is assigned to.
4. If the bill is amended after the Board adopts a position and remains consistent with the Board's position, the CEO or designee, of the Legislative Advocate may send a letter reaffirming the County's position.

J. Attempts to Impact Legislative Outcomes

1. CEO/LA, to the extent possible, is charged with the task of gaining positive legislative outcomes for the County of Orange.
2. CEO/LA will work to actively seek amendments to legislative proposals for which the Board has taken a "Support if Amended," or "Oppose unless Amended" position.
3. For legislative measures on which the Board has taken a position, CEO/LA will actively work with the County's Legislative Advocates to achieve the desired outcome.
4. CEO/LA may work with the Legislative Advocates to amend legislation prior to Board action if the matter is of an immediate and urgent nature and the requested changes are consistent with the Legislative Platform.

K. Testimony and Comments

1. CEO/LA will work with Legislative Advocates to develop strategies on how best to influence the public policy debate through the testimony of the County and comments on proposed rules and regulations.
2. The following are the only individuals authorized to testify on legislative issues: A member of the Board, the Chief Executive Officer or designee, County Legislative Advocates, and Board or CEO-authorized County staff. Such testimony will be aligned with the Board's position on a specific bill and the Legislative Platform.
3. The Board shall have the first opportunity to testify or comment on legislation, rules, or regulations. If the Board chooses not to do so, CEO/LA will coordinate with County Departments to provide testimony or comment when appropriate.
4. CEO/LA and Legislative Advocates will aid in preparing Board members or appointed County staff for testimony before federal or state governmental agencies and/or legislative, Congressional or decision-making bodies.
5. CEO/LA will work with Departments to ensure that any prepared testimony they give is consistent with Board policy. CEO/LA will review prepared testimony from Departments prior to presentation.

6. In those instances when a Board member or other County representative is not available, the County's Legislative Advocates will provide testimony on all measures and administrative/regulatory issues on which the County has a position.

L. Use of Associations and Coalitions

1. CEO/LA will work to establish coalitions with other legislative units and other associations on legislative issues of interest to the Board.
2. CEO/LA will work to build grassroots support for County positions and County sponsored bills.

M. Informational Service

1. CEO/LA will provide the following informational reports to the CEO and the Board:
 - a. Legislative Bulletin – Provides recommended action to the Board on legislation, and updates on County sponsored measures or bills of specific interest to the Board.
 - b. Report on Final Legislative Action on State and Federal Bills of Interest to Orange County -- Prepared by the County's Legislative Advocates at the end of each legislative session to summarize the legislative actions taken on County sponsored and position bills.
 - c. Special Reports and Memos -- Prepared, as requested or assigned by the Board, on major legislative subject areas.
 - d. A weekly legislative update on key issues occurring in Sacramento and Washington, DC.
 - e. A Board Initiative matrix, provided as requested.
2. CEO/LA will coordinate the development of the following with the CEO/Budget Office.
 - a. State Budget Analysis -- Prepared as a preliminary analysis of the State Budget.
 - b. State Budget Updates -- Prepared, as needed, to update the Board on the latest budget developments.
 - c. State Budget Adoption Analysis -- Prepared upon the budget's adoption to analyze the consequences of the State's adopted budget on the County's General Fund and programs.

N. Other Services

CEO/LA will:

1. Administer central contracts for Legislative Advocates; prepare evaluations of County Legislative Advocates and file contract recommendations for consideration by the Board; and, in conjunction with the Sacramento Legislative Advocate, file quarterly reports on lobbying activities with the Secretary of State.
2. Schedule meetings as requested between the Legislative Advocates and the Board.
3. Plan, arrange, and attend meetings of the Board with the Orange County Federal and State delegations as requested.

N. Comments on Regulations and Proposed Rule-Makings

1. CEO/LA will seek input from Departments regarding the impact of a proposed rule/regulation on the County.
2. If necessary, requests for comments on state or federal rules or regulations will be vetted through the Board to determine whether Members wish to provide comment or testify.

III. LEGISLATIVE ADVOCATES

A. Legislative Advocates represent the County in Sacramento and Washington, DC, before State and Federal legislative bodies and executive agencies for the general purposes of: 1) expressing County support for, or opposition to, specific measures and explaining the effects of these measures upon Orange County to the appropriate legislators/executive agencies as recommended by the County Executive Office or the Board; 2) providing feedback to appropriate County staff on matters pending before the State and Federal legislative bodies and executive agencies; and 3) advising the Board regarding legislative affairs strategy.

B. The specific duties of the County's Legislative Advocates include:

1. Advocate the interests of the County in State and Federal legislation, regulations, and executive actions with members of the Legislature, and State and Federal agencies, departments, boards, commissions, committees, and their staffs.
2. Provide members of the Legislature and their staffs and State and Federal agency staffs, details of the costs and programmatic or procedural impacts of proposed legislation, regulation, or executive action on the County.
3. Monitor, assist and expedite grant applications and advocate on their behalf as requested by CEO/LA.
4. Make recommendations to the CEO/LA and the Board regarding legislative affairs strategy.
5. Draft correspondence to legislators and administrative officials detailing positions adopted by the Board on legislative, administrative, and regulatory matters.
6. Provide annual and monthly written reports to the CEO/LA and the Board

with respect to the nature and extent of the services or actions taken on behalf of the County.

7. Maintain close contact with the Board, their staffs, the CEO, and the Legislative Affairs unit to be aware of the County's needs, desires, policies, and impacts relevant to legislative activity.
8. Make presentations concerning legislative activities to the Board.
9. Secure letters of support for legislation and grants.
10. Disclose potential conflicts of interest as soon as possible. (Refer to contract scope of work.)
11. Immediately notify CEO/LA and the Board if being investigated by any government agency, under threat of a lawsuit, or subject to actual litigation that has been filed.

C. Legislative Advocates will serve at the policy direction of the Board, but will report to the CEO.

IV. COUNTY COUNSEL

A. County Counsel advises the County Executive Office, Departments, the Legislative Advocates and the Board on the legal aspects of legislative matters affecting the County. This support includes:

1. Advise the County Executive Office on procedural matters and application of the Brown Act with respect to special meetings of the Board with Federal or State legislative delegations.
2. Review proposed legislation submitted by Departments, advise the County Executive Office on any legal issues identified, and draft proposed legislation on behalf of the County in conjunction with the County Executive Office.
3. Provide legal support to County Executive Office and Departments on legal issues surfaced through pending legislation or in support of County sponsored legislation.
4. Review language after County sponsored bills are introduced.

V. COUNTY DEPARTMENTS

A. Overview

1. No action may be taken by a Department on any legislation which is in conflict with Board policy, Legislative Affairs Program Guidelines, or the Legislative Platform.
2. A County elected official as an individual member may write letters or make public their position on a particular legislative issue. They shall make the Board aware of all actions they intend to take with respect to legislative and major administrative/regulatory issues. They may not, however, state their position as being that of the County at large. CEO/LA is available to assist

in providing this information to the Board via the Legislative Bulletin or other means.

3. Departments will monitor and alert CEO/LA of critical rules, regulations, and legislation introduced in Sacramento or Washington, DC that will impact their Department.
4. Appointed Department heads and/or designees will coordinate all requests for assistance from the County's Legislative Advocates through CEO/LA.
5. Departments shall work through CEO/LA regarding all positions on legislation.
6. Departments will submit an analysis of any legislative proposal to CEO/LA 14 days prior to the desired date of Board consideration. If a Department wishes the Board to take action on a legislative issue, the analysis must be approved by the Department's head.
7. Appointed Department heads may not retain a legislative advocate without Board approval.
8. Departments may provide comments on non-legislative matters that affect the operations, both procedural and technical, of their Departments, without prior Board authorization.
9. Department staff traveling to Sacramento or Washington DC on official business will work with CEO/LA to identify opportunities to promote County legislative and administrative/regulatory goals.

B. Written Correspondence Policy for Departments

1. Written correspondence on behalf of the County to elected officials at the federal, state or local level should be transmitted over the signature of the Board. Departments should route such written correspondence through CEO/LA.
2. The Board may delegate authority to originate and transmit letters in support of or in opposition to pending State and Federal legislation only if:
 - a. The Board has taken a specific position that the correspondence addresses.
 - b. It has been reviewed and approved by the County Executive Office in advance.
 - c. Copies must be provided to the Board and CEO/LA by the originating Department before its distribution.
3. If a rule or regulation is deemed significant, CEO/LA will coordinate with Departments on correspondence for Board consideration.

C. Testimony

1. All testimony on legislation, rules, or regulations must be aligned with the Board's position and the Legislative Platform.

2. All scheduled testimony of any kind must be communicated to and coordinated with the Board and the CEO/LA prior to the date of the presentation. CEO/LA will notify the Board and Legislative Advocates when appropriate.
3. County staff is authorized to present information of a non-policy nature (information of a technical, operational or factual nature) without prior Board authorization to members, committees and staffs of the Legislature and Congress, and local regional or State governmental decision-making bodies and organizations and associations of which a Department is a member.
4. Departments and County staff seeking to testify regarding legislation or major rules/regulations will seek CEO or Board approval.
5. Departments and staff will submit a written report to CEO/LA regarding the testimony given. This report will include a summary of the testimony, questions asked and answers provided.

D. Seeking County Sponsored Legislation or Administrative/Regulatory Changes

1. If a Department would like the County to sponsor a legislative proposal or an administrative/regulatory change, the Department will contact CEO/LA and request that they place the proposal on the agenda for Board consideration.
2. It is the Department's responsibility to provide a background sheet and an analysis for any proposal for which the Department is seeking Board consideration at least 14 days prior to the desired date of Board consideration. The background sheet and analysis will be provided to CEO/LA before the item comes before the Board.
3. Departments will adhere to County and Department goals, objectives, and priorities and the Legislative Platform when developing legislative proposals and administrative/regulatory changes for which they plan to seek County- sponsorship.

VI. LEGISLATIVE ADVOCACY BY COUNTY ADVISORY BOARDS AND COMMISSIONS

- A. A County advisory board or commission may not make a recommendation on pending legislation or on legislative issues to any legislative body other than the Board.
- B. Those advisory boards or commissions which are specifically mandated to advise certain legislators under the government codes or laws establishing them are exempt from the above provisions. They may forward their recommendations per the requirements of their mandates, and provide a copy to CEO/LA.

VII. ADVOCACY WITHIN PROFESSIONAL ORGANIZATIONS/ASSOCIATIONS

- A. Departments have the authority to work within the framework of County/regional/State/Federal organizations or professional associations to affect pending legislation if in advocating, staff represent a position that is consistent with

Board policy and priorities and the Legislative Platform.

- B. Positions taken by statewide and federal associations on pending legislation, which differs from official County positions, should be brought to the attention of the CEO/LA.
- C. County personnel who become officers of statewide, regional, or federal professional associations should notify CEO/LA and the Board of their titles and responsibilities.
- D. Staff and appointed Department heads should coordinate with CEO/LA prior to advancing a position with an organization or professional association of which they are a member.