



LEGISLATIVE AFFAIRS PROGRAM GUIDELINES

2021

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 session
- C. The Board will adopt a yearly Legislative Priorities document that will direct the County's state and federal legislative efforts.
- D. Any member of the Board may agendize specific issues at any time regarding the County's legislative program or regarding a specific legislative proposal.
- E. 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. Its role is to serve the Board in an advisory role regarding how to best represent the County's interests in Sacramento and Washington, D.C. CEO-LA staff serves under the policy direction of the Board but reports to the 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. CEO-LA directs the Board's Legislative Advocates to impact the process through their lobbying efforts in Sacramento and Washington, D.C.
3. CEO-LA will provide the communication link between the Board, Departments, and the Legislative Advocates regarding the progress of 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, 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. It is the Departments responsibility to notify CEO-LA of any changes.

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.

C. Legislative Priorities

1. Every year CEO-LA will draft, and the Board will adopt a legislative priorities document. The legislative priorities will communicate key issues of importance to the County in Sacramento and Washington, D.C.

D. 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. Before each legislative session, the Board will determine the legislative proposal(s) for which the County will seek author(s) in Sacramento and sponsorship in Washington, D.C.
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 author(s)/sponsor(s) 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 bills.
 - 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.

E. 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 county impact, Board interest, strategic positioning or coalition building.
- 3. When recommending action on a particular bill, CEO-LA will provide an analysis and a recommended position.
- 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).

F. 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.

G. 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. The Legislative Bulletin CEO-LA will provide an updated tracking report. Tracking reports included in the Legislative Bulletin include:
 - a. County sponsored legislation
 - b. Legislation the Board has taken a position
 - c. Legislation regarding topics of particular interest to the Board.
3. Through Capitol Track CEO-LA will track legislation taking into account its impact on the County, priority level of the bill and county department it impacts. The categories will be as follows:
 - a. County Sponsored: legislation primarily developed and advocated (or promoted) by the County.
 - b. County Position: bill for which the Board has adopted a position.
 - c. High Watch: bills likely to be recommended for Board consideration or that may have a significant impact on the County.

- d. Watch: bills identified as containing policies that may have an impact on the county but have not risen to the level of high watch.

4. Through Capitol Track Departments will track legislation impacting their Departments.

H. Bill Analysis

1. CEO-LA in consultation with impacted Department(s) 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

I. 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.

J. 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 Board’s 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, or the Legislative Advocate may send a letter reaffirming the County’s position.
5. Legislative Advocates are responsible for delivering letters to author’s office and committee staff in a timely manner to ensure the Board’s position is reflected in all analyses.

K. 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, trade associations and other stakeholders as appropriate 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.

L. 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 is consistent with Board policy. CEO-LA will review and approve 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.

M. 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.

N. 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 Report 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, D.C.
 - 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.

O. Other Services

CEO-LA will:

1. Administer central contracts for Legislative Advocates; prepare evaluations of County Legislative Advocates with input from the Board 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 delegation as requested.

P. Comments on Regulations and Proposed Rule-Makings

1. CEO-LA will seek input from Departments regarding the impact of a proposed rule/regulations 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. Representing the County and serving as a liaison between Congress/California State Legislature, the President/Governor, Federal/State administration officials, and other Federal/State Department representatives.
 2. Leading the County in developing and implementing an effective advocacy strategy and annual legislative program to:
 - a. Influence legislation, regulatory activity, administrative rule-making counsel and grant support and policies as they relate to County priorities, programs and operations, including enacting legislation which accomplish specific County goals.
 - b. Identify opportunities to increase funding for County priorities, programs and operations. County advocates will be proactive in opposing legislation or statutes that may have a negative impact on funding.
 3. Researching and providing information to the County on such matters as:
 - a. Budget: Prepare written reports of analysis of budget actions and their impact on the County.

- b. Legislation and laws: Monitor legislation affecting County programs and alert the County Executive's Office and appropriate departmental staff.
- c. Funding opportunities and availability.
- d. Congressional/Legislative hearings, reports and testimony.
- e. Federal/State regulations, guidelines, directives and other administrative policies, both proposed and adopted.
- f. Technical memoranda and reports impacting County operations.

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

1. Assist the County in developing strong relations with the County's congressional/legislative delegation, congressional/legislative leaders and the Administration. This includes developing a target list of key influencers from both parties in Congress/the Legislature and proactively developing relationships between these members and County leaders.
2. Assist in the development of the County's annual legislative platform and prioritization of Federal/State legislative efforts.
3. Provide ongoing program development support to CEO-LA including, but not limited to, Legislative Platform development, legislative coordinator training, support in development of program guidelines including identification of best practices and metrics to monitor success of County's advocacy program.
4. Implement the legislative objectives approved by the Board, including (if necessary) obtaining sponsorship of bill(s) or amendment(s) to bill(s) consistent with the legislative agenda and Legislative Platform approved by the Board.
5. Provide logistical support to arrange appointments and meetings with members of Congress/the Legislature, Administration, and Federal/State agencies, as needed. This includes preparing talking points and/or briefing materials as needed.
6. Monitor all bills of interest to the County and take action on legislation as directed by the Board. For bills or amendments passed into law that affect the County, the Legislative Advocates shall monitor the implementation of those laws and advise the County on the action needed to ensure proper implementation and compliance.

7. Identify and report to the County on proposed legislation, policies, regulations, and administrative actions, which would or potentially could impact County governments generally and/or Orange County specifically.
8. Provide support to Legislative Affairs Unit in identification of bills of interest/concern and weekly bill tracking.
9. Provide weekly written updates to be presented to the Board at scheduled Board of Supervisors meetings and individual briefings as requested.
10. Participate in weekly (or more frequent) teleconference briefings with the CEO or designee, Legislative Affairs Unit and/or Board of Supervisors staff.
11. Maintain regular, routine communication with the Board, their staff, the CEO and CEO-LA regarding issues of importance to the Board, CEO, and Department Directors.
12. Provide assistance to County staff and private contractors employed by the County in drafting testimony on proposed federal/state legislation, policies or regulations which could impact the County of Orange.
13. Distribute correspondence, briefing papers, fact sheets and other materials necessary to assist in advocacy efforts on behalf of the County.
14. Testify on behalf of the Board's adopted positions on proposed legislation when appropriate.
15. Provide written monthly reports with each professional services invoice to the County detailing the nature and extent of the services or actions taken and status on behalf of the County, as well as reporting on issues in Washington, DC/Sacramento that may impact County governments in general or Orange County government specifically.
16. Make presentations to the Board or other elected officials as requested.
17. Coordinate County legislative efforts with other advocacy groups and individuals.
18. Serve as the liaison to the National Association of Counties/California State Association of Counties, and, as requested, to other federal/state professional organizations.

19. Keep County staff apprised of legislative events including, but not limited to, open houses, special events, etc. and if requested attend on behalf of the County of Orange.
20. Draft correspondence, briefing papers, talking points, and other materials necessary to assist in advocacy efforts on behalf of the County.
21. Coordinate with CEO-LA to assess and identify grant opportunities and develop strategies to secure support for the County's grant applications.
22. Disclose potential conflicts of interest as soon as possible.
23. Immediately notify the CEO or designee and the Board if being investigated by any government agency, under threat of a lawsuit, or subject to actual litigation that has been filed.
24. Perform other related duties as mutually agreed upon.

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 behalf of the County in conjunction with the County Executive Office.
 3. Provide legal support to the County Executive Office and Departments on legal issues surfaced through adopted/pending legislation or in support of County sponsored legislation.
 4. Review language after County sponsored bills are introduced.
 5. Provide guidance as needed on coordination associated with advocacy events.

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 Director.
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 notify the CEO or designee in advance and will work with CEO-LA as needed 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 CEO-LA prior to the date of the presentation. CEO-LA will notify the Board and the 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. Department 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 consider whether 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 differ 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.