



City of Palo Alto

Policy and Services Committee Staff Report

(ID # 5019)

Report Type: Agenda Items

Meeting Date: 8/12/2014

Summary Title: Legislative Program Manual Review and Recommendation to Council

Title: Review and Recommendation to Council for Approval of the Draft 2014 State and Federal Legislative Program Manual

From: City Manager

Lead Department: City Manager

Recommendation

Staff recommends that the Policy & Services Committee review (and/or modify) the draft 2014 State and Federal Legislative Program Manual and recommend it for Council approval.

Background

Attached for your review is the draft 2014 State and Federal Legislative Program Manual (Attachment A). This document is intended to serve as a guide to the City's legislative program including both what the City's legislative priorities should be and what the procedures should be for handling legislative issue such as correspondence, policy formation, and advocacy.

In May, as the overall legislative program was discussed with City's two legislative advocates, this draft was given to the Policy & Services Committee for preliminary review. At the meeting, staff recommended a process by which the Policy & Services Committee would have two meetings per year with the state and federal legislative advocates in attendance.

The Fall meeting would include a review of what has occurred so far that year followed by a proactive planning session focused on what types of legislation, or legislative positions, the Policy & Services Committee recommends the City Council direct staff, in conjunction with the City's legislative advocates, to take up. This would include updating the Legislative Priorities section of the Legislative Program Manual to ensure relevancy and accuracy.

The Spring meeting would include a review of what has occurred so far that year

followed by a reactive planning session focused on what legislative positions the Policy & Services Committee recommends the City Council direct staff, in conjunction with the City's legislative advocates, take up on existing bills or issues. This session would also include updating the Legislative Priorities section of the Legislative Program Manual to ensure relevancy and accuracy.

It is intended that all legislative planning would be done taking Council's annual priorities into consideration and, again, all changes to the Legislative Program Manual including the Legislative Priorities section would require Council approval.

Therefore, in order to be prepared for the meeting with the City's legislative advocates this Fall (tentatively scheduled for the October 14, 2014 Policy & Services Committee meeting) staff requests your approval of the draft 2014 State and Federal Legislative Program Manual at this time so the Committee can more narrowly focus on the Legislative Priorities section of the Legislative Program Manual when the legislative advocates are in attendance.

The City's two current legislative advocates are Townsend Public Affairs (who handles state issues) and Van Scoyoc Associates (who handles federal issues).

Attachments:

- A - Draft 2014 Legislative Program Manual_8-12-2014 (DOC)

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Policy Statement

The objective of the City of Palo Alto legislative program is to keep the City Council, community and staff fully advised of proposed legislation with a potential impact upon the City. It is the City's general policy to take timely and effective action in support of, or opposition to, proposed legislation affecting Palo Alto at the County, State, and Federal levels. In addition, the City, where appropriate, will take the initiative to seek introduction of new legislation beneficial to Palo Alto and other local government entities.

Legislative Priorities

The groundwork for the City's legislative strategy is the Council's priorities:

- Comprehensive planning and action on land use and transportation:
 - The built environment: transportation, mobility, parking, and livability
- Infrastructure strategy and funding
- Technology and the connected city

Additional legislative priorities are:

- Environmental sustainability
- San Francisquito Creek improvements
- Obtaining grant funding

Guiding Principles for Legislative Advocacy

1. Protect local revenue sources and prevent unfunded mandates.
 - Oppose Federal or State legislation, policies and budgets that have negative impacts on services, revenues and costs. Ensure that legislation, policies and budgets do not detract from Palo Alto's ability to draw on local revenue sources.
2. Protect and increase local government discretion, balancing that with City values and priorities.
 - Acknowledge the fundamental issues with the governance structure at the State level and ensure that legislative or Constitutional reforms align with the City's values and maintain and/or enhance local discretion.
3. Ensure that legislation, policies and budgets retain or increase, but generally don't decrease, the amount of local discretion held by the City and protect local decision making. Oppose legislation, policies and budgets that reduce the authority and/or

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ability of local government to determine how best to effectively operate local programs, services and activities. The City retains the right to exceed State goals, standards or targets.

4. Protect and increase funding for specific programs and services.
 - Support County, State and Federal funding for local service by maximizing existing funding levels and seeking new and alternative funding for programs. Promote increases in the allocation of funds to cities and flexibility in distribution.
5. Proactively advocate on behalf of the City.
6. Identify key legislative areas to monitor annually. Take a proactive role in working with Federal and State legislators to draft and sponsor legislation around key City priorities.

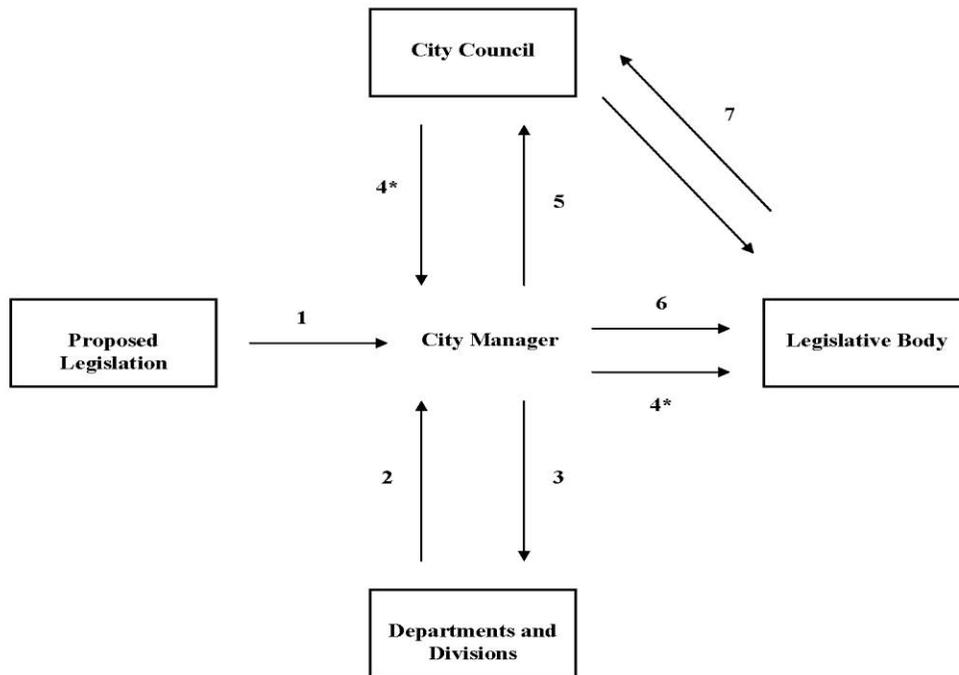
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Basic Steps in the City's Legislative Program



Internal Coordination of the Legislative Program

The basic steps in the City's legislative program are illustrated in the diagram above.

1. Legislation is brought to the City's attention by several means: the City's lobbyists, the League of California Cities, the National League of Cities, Council Members, City staff, citizens, professional or governmental newsletters, legislators, etc.
2. The City Manager's Office reviews the proposed legislation (the bill text) and, if warranted, requests assistance from one or more departments. Departments are urged to take the initiative to identify legislation of importance to the City and not wait for the City Manager's Office to ask for their involvement.
3. The Department evaluates the bill for its impact upon Palo Alto, recommends a position and potential action, and drafts a statement or letter for use by the City Manager's Office, as appropriate.
4. At this juncture, action can proceed in either of two ways:
 - a. If the Council has previously adopted a policy directly relevant to the legislation, the City Manager's Office proceeds to prepare a letter for the Mayor's signature;
 - b. If the Council policy relative to the legislation does not exist, or if the issue is politically controversial, or if there is significant local interest in the issue, the proposed legislation is referred to Council. (See Legislative Advocacy)

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5. The Council will consider the information provided in a staff report, determine its position on the legislation, and provide direction to staff.
6. The City Manager's Office coordinates the lobbying activities according to Council direction through this manual.
7. The Council will connect with the various legislative bodies in several ways throughout the year:
 - a. Joint meetings with elected representatives
 - b. Visits to Sacramento and Washington DC
 - c. Direct contact with elected officials

The Role of the Council

The City Council has ultimate responsibility for determining the position the City shall take on legislative issues. Council positions applicable to legislation accumulate over the years and require periodic reevaluation to assure they are still relevant to the City's needs and interests. The Council generally takes positions only on issues that are of relevance to the City of Palo Alto.

The Council's specific responsibilities include:

- Conduct an annual review and update of legislative priorities at both the State and Federal levels.
- Meet annually with the City's state and federal lobbyist to establish state and federal legislative priorities and strategies.
- Establish legislative priorities, taking into account the Council priorities adopted each year.
- Consider legislative issues brought to the Council's attention by staff, citizens, organizations and others and determine what, if any, position the City should take.
- Determine Council positions on resolutions proposed for adoption by the League of California Cities and the National League of Cities.
- Suggest areas for staff action concerning legislation.
- Assume an active advocacy role with legislators on behalf of the City. This may include travel to Washington, DC and/or to Sacramento. Any such travel will be consistent with current City travel policies.

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The Role of the City Manager's Office

The City Manager's Office is the central coordinator of the City's legislative program. The responsibilities and activities of the office include the following:

- Ensure the consistency of legislative policy throughout the City.
- Serve as a clearinghouse and record keeper for all legislative activity occurring with the City.
- Coordinate contacts and communications with legislators and staff.
- Coordinate the evaluation of proposed legislation that may affect the City.
- Disseminate information on legislation of interest to departments within the City.
- Encourage suggestions from departments concerning subjects for legislative action.
- Provide feedback to departments on progress of legislation of interest.
- Keep Council informed on the status of the City's legislative action program.
- Recommend priorities for legislative action to support the City's lobbying activities.
- Plan, coordinate, and facilitate lobbying activities by Council Members and City staff.
- Maintain legislative files (bill texts, correspondence, records of lobbying activity, background information, Council policies).
- Serve as the liaison to the League of California Cities, National League of Cities, and other organizations and jurisdictions concerning legislative activities.
- Coordinate the annual review of legislative positions and preparation of the City's legislative platform.

The Role of Departments

The participation of various departments within the City is essential to the success of the Legislative Program. The program requires departments to take responsibility for identifying, evaluating, and monitoring legislation that relates to their functional areas. The program must be cooperative and interactive. Effective lobbying and testimony depends on factual data concerning the impacts and implications of proposed legislation upon the City's operations, services, and finances. The responsibilities of the departments include the following:

- Inform the Manager's Office of legislative issues of importance to the City.
- Designate a key contact within the department or division who will be responsible for coordinating the evaluation of legislation and monitoring those legislative

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issues of direct significance to the department. Continue to monitor bills as they progress through the Legislature or Congress.

- Establish a system within the department for assuring that requests for legislation evaluation are responded to promptly.
- Draft letters and provide analysis of legislation as requested by City Manager's Office.
- Maintain a legislative file with the department to assure consistency of policy recommendations.
- Establish mechanisms within the department for accessing direct information on legislation, e.g. computer networks, newsletters, etc.
- Network with other cities, agencies, professional organizations, etc. to gain background information and broader perspective on legislative issues.
- Suggest organizations, individuals, publications, and other legislators who may be allies in lobbying the City's position on certain legislation.
- Become acquainted with the League of California Cities staff person with responsibility for issues related to the department.
- Understand and adhere to the City's Legislative Advocacy Policy. Consult the Manager's Office if there are questions.
- Annually, provide to the Manager's Office the department's recommendations for the ensuing year's legislative platform. This shall include: 1) a review of existing positions, 2) statements of underlying policies and principles, and 3) priorities related to specific legislative issues.

Guidelines for Evaluating Legislation

Several resources are available to departments that can enable them to identify proposed legislation and track its progress. The League of California Cities and National League of Cities publications contain information on various legislation. Departments can also subscribe to legislative announcements through professional associations as well as State and Congressional websites.

Bills often are amended several times between introduction and final approval. Analyses and letters expressing the City's position should always be based on the latest version. When reviewing the bill text, staff should not rely solely on the Legislative Counsel's Digest but read the entire bill. The bill will contain the new or amended language proposed. If the department wishes to compare the proposed language with the actual language of existing law, and does not have the relevant code (Government Code, Vehicle Code, Election Code, Revenue and Taxation Code, etc.) in the department, contact the City Attorney's Office with questions.

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If the bill is later amended, language that is deleted will be lined out and new proposed language will be shown in italics. Proper timing is vital in the legislative process. The City's views on a bill are of value only if they reach a legislator or committee before the bill is voted on. Departments should provide the City Manager's Office with information on bills of importance to the City as soon as they are aware of them.

A. Citywide Perspective

Often, proposed legislation will have the potential for affecting more than one department. Not always will the impact be the same. While the proposal may be beneficial from the perspective of one department, it may have negative impacts for another department. It is essential that these differences be reconciled and a common citywide position is determined. The City Manager's Office will work with Departments to reconcile differences.

B. Stating the City's Position

Departments should be aware of policies and programs contained in the City of Palo Alto Comprehensive Plan which relate to their area of responsibility. The City Manager's Office can verify if the League of California Cities or National League of Cities has taken a position on a bill.

The most effective arguments in lobbying a bill are those which contain hard data about the effects on the City's operations and services. If the bill has potential significant effects for the City, it is well worth the time spent to assemble the examples and cost figures.

The best criticism is that which contains suggestions for improvement. If there is little likelihood of defeating a bill the City opposes, indicate what could be changed to make it more palatable. Legislators and their staffs are more receptive to communications which offer concrete ideas.

If the department recommendation is to support, oppose, or amend a bill, it is important to draft the body of a letter that the City Manager's Office can use in writing to the legislators. The Manager's Office will put the letter in final form and send it to the appropriate committees, legislators, etc. A copy of the finalized letter will be routed to the evaluating department for its records.

Legislative Advocacy

The Council is the official voice of the City of Palo Alto. The final authority for determining the position that shall be taken by the City on proposed legislation rests with the Council. The process outlined below would likely be followed only for controversial topics. Less controversial topics may go directly to Council. In many instances, due to timing or the nature of the issue, the Mayor may sign a letter supporting or opposing legislation on behalf of the City. This position would need to be generally consistent with the City's legislative guiding principles or the annually adopted priorities.

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Process

1. A legislative issue is referred to the Policy & Services Committee for review.
2. Staff generates an informational report for the Policy & Services Committee summarizing the issue. This report will include an analysis of City policy as it relates to the item, if applicable.
3. The item is agendaized for the Policy & Services Committee meeting.
4. The Policy & Services Committee reviews and discusses the legislative issue at the meeting.
5. Policy & Services Committee members vote on the issue.
6. If the vote is unanimous, the matter is forwarded to the Council as consent calendar item. If the vote is not unanimous, it is forwarded to Council as an action item.

*If a timeliness issue exists, the item may be referred directly to Council or to Council without minutes, and a one page executive summary will be provided. If no timeliness issue exists, the item will be referred with minutes in the usual manner.

Signatures on Legislative Communication

Letters and other communications expressing the City's position on legislation will customarily bear the signature of the Mayor, particularly when the legislation relates to areas of Comprehensive Plan policies and programs, other Council adopted policies, issues of Council interest, and fiscal matters.

If the legislation's principal impact is on the City's operating procedures, the communication may be signed by the City Manager. In these instances, it may increase the effectiveness of the communication to have it co-signed by the head of the department most directly affected.

In order to keep the Council and others informed of all City communications on legislation, copies of the letters will be distributed in the Council agenda packet.

Independent Lobbying by City Personnel

City employees are not to lobby in the name of the City of Palo Alto unless the activity has been approved by the department head and City Manager has been informed in advance of the activity.

City Advisory Commissions and Committees

City employees who are staff or liaison to Council appointed advisory commissions and committees should encourage the bodies to bring to the attention of the Council proposed legislation upon which they recommend the Council take a position.

Lobbying Methods

Listed here are a number of ways to inform and persuade legislators and others of the City's position on proposed legislation.

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Departmental participation in the planning and implementation of many of these activities is important. Departments should let the City Manager's Office know of their interest and suggestions for lobbying bills they have evaluated.

Letters

Letters may be drafted for:

- The authors of proposed legislation.
- The City's elected representatives in the State Legislature and Congress.
- The Chair and members of legislative committees.
- The Governor or President.

If a letter is being sent within three working days of the scheduled committee hearing of a floor vote, the letter will be faxed or emailed as well. All records of faxes, mailings, and e-mail will be maintained by the City Manager's Office.

Telephone Calls

- Phone calls are useful for communication with legislative staff regarding the content and implications of bills and for suggesting amendments or language clarifications. However, many committees' rules prevent them from counting phone calls as a legitimate expression of a City's position on a bill. Pro and con positions are recorded only if they are received in writing.

Meetings

- It is the Council's practice to invite legislators representing Palo Alto to an annual meeting to discuss all issues of importance to the City during that legislative session.
- Councilmembers are encouraged to attend legislative days set by the National League of Cities and League of California Cities.

Resolutions

- The Council is sometimes asked to adopt a resolution expressing its position on a bill. Resolutions are frequently sought by organizations as an indication of widespread support for a position, but they are less effective than letters when communicating directly with a legislator.

Testimony

- Testifying in person at a legislative committee hearing provides an opportunity to present the City's position and respond to questions. The City Manager, the Mayor, a Councilmember, or a staff person with particular expertise in a subject area are examples of appropriate speakers.

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Editorials

- Staff member must seek approval from Manager's Office before submitting editorials to newspapers.

Press Conferences

- Press conferences are called by the Mayor and Councilmembers and are staged in a location relevant to the issues being lobbied. Any press conference should be coordinated with the City Manager's Office.

Coalitions

- These alliances are not limited to governmental bodies, but extend to all segments of the broader community that can similarly be affected by the legislation (e.g. business, nonprofit organization, environmental groups, etc).

Guidelines for Letter Writing

- Concentrate on the letter content, rather than format. The City Manager's Office will produce the final letter, addressing it to the proper legislators or committees and securing the appropriate signature. The process can be expedited if the originating department provides the draft of the letter electronically.
- At the very start of the letter, indicate the bill number or title that is the subject of the letter.
- A short concise letter is generally more effective than a lengthy one. Several short letters will carry more weight than one long letter. If there are many good arguments for supporting or opposing a bill, provide them all to the Manager's Office but in a form where they can be selectively used in several communications.
- Provide specific examples of the impact of the legislation on Palo Alto (e.g. estimated cost or savings, effect upon taxpayers and residents, relationship to the City's policies, programs, charter, etc).
- Examples should be used that may be particularly newsworthy.
- Relate, when feasible, to the effect the proposed legislation may have upon the legislator's constituents.
- If advice is needed on what aspects of the legislation can most successfully be lobbied, or what kind of information is most needed by the legislators, it is useful to talk to the staff of the League of California Cities, of the Legislature's Committees, or of the individual legislators. The Manager's Office can provide contact names and phone numbers.

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Procedure for City Council Meetings with Other Elected Representatives

Typically, the Council meets annually with its County, State, and Federal representatives. These meetings are an important component of building legislative relationships and to share issues of importance to Palo Alto. These meetings should be scheduled at the appropriate times during the respective legislative calendars.

- Staff will schedule these meetings at the direction of the City Manager in coordination with the Council and other elected representatives.
- The City Manager will seek agenda items from the Mayor and Council.
- Staff from the City Manager's Office will obtain agenda items from Departments and staff in the representative's office.
- A meeting agenda and a potential list of topics will be published by City Clerk.

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2014 California State Legislative Timeline

January Deadlines

- **Jan. 1** Statutes take effect
- **Jan. 6** Legislature reconvenes
- **Jan. 10** Budget Bill must be submitted by Governor
- **Jan. 17** Last day for **policy committees** to meet and report bills introduced in their house in 2013 for referral to **fiscal committees**
- **Jan. 20** Martin Luther King, Jr. Day observed.
- **Jan. 24** Last day to submit **bill requests** to the Office of Legislative Counsel. Last day for any committee to meet and report to the **Floor bills** introduced in their house in 2013
- **Jan. 31** Last day for each house to pass **bills** introduced in their house in 2013

February Deadlines

- **Feb. 17** Presidents' Day observed.
- **Feb. 21** Last day for bills to be **introduced**

April Deadlines

- **Apr. 10** **Spring Recess** begins upon adjournment
- **Apr. 21** Legislature reconvenes from Spring Recess

May Deadlines

- **May 2** Last day for **policy committees** to meet and report to Fiscal Committees **fiscal bills** introduced in their house
- **May 9** Last day for **policy committees** to meet and report to the floor **non-fiscal** bills introduced in their house
- **May 16** Last day for **policy committees** to meet prior to June 2
- **May 23** Last day for **fiscal committees** to meet and report to the floor bills introduced in their house. Last day for **fiscal committees** to meet prior to June 2
- **May 26** Memorial Day observed.
- **May 27 - 30** **Floor session only**. No committee may meet for any purpose
- **May 30** Last day to **pass bills** out of house of origin

June Deadlines

- **June 2** Committee meetings may resume

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- **June 15** Budget bill must be passed by midnight
- **June 26** Last day for a legislative measure to qualify for the Nov. 4 General Election ballot
- **June 27** Last day for **policy committees** to meet and report bills

July Deadlines

- **July 3 Summer Recess** begins upon adjournment, provided Budget Bill has been passed
- **July 4** Independence Day observed.

August Deadlines

- **Aug. 4** Legislature reconvenes from **Summer Recess**
- **Aug. 15** Last day for **fiscal committees** to meet and report bills to the floor
- **Aug. 18 - 31 Floor Session Only**. No committee may meet for any purpose
- **Aug. 22** Last day to **amend** bills on the Floor
- **Aug. 31** Last day for **each house to pass bills**. **Final Recess** begins upon adjournment

Important Dates Occurring During Final Recess

2014

- **Sep. 30** Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1
- **Oct. 2** Non-urgency bills enacted on or before this date take effect January 1, 2015.
- **Nov. 4** General Election.
- **Nov. 30** Adjournment *sine die* at midnight
- **Dec. 1** 2015-16 Regular Session convenes for Organizational Session at 12 noon.

2015

- **Jan. 1** Statutes take effect