



City of Palo Alto

Policy and Services Committee Staff Report

(ID # 10640)

Report Type: Action Items

Meeting Date: 11/12/2019

Summary Title: State legislative update and guideline approval

Title: Update From the City's State Legislative Advocate and Review and Approval of the 2020 Legislative Guidelines and Updated Advocacy Process Manual

From: City Manager

Lead Department: City Manager

Recommendation

Staff recommends that the Policy & Services Committee (a) receive a state legislative update from our contracted State advocate, and (b) subject to the Committee's discussion and revisions, recommend that Council approve both the 2020 Federal and State Legislative Guidelines and the revised Advocacy Process Manual.

Background

The City has a long-standing legislative program to ensure that potentially impactful state and federal legislation is identified and analyzed by staff, and that the City's public advocacy positions are made known to legislators. The program is guided by the Advocacy Process Manual (formally, the Legislative Program Manual) which was last approved by City Council on November 29, 2016 ([ID 7507](#)). In addition to the Manual, the City maintains a Council-approved set of legislative guidelines that provides additional policy direction by City Council to staff and the City's state and federal legislative advocates. The guidelines were last discussed by the Policy & Services Committee on November 14, 2017 and approved by the Council on January 22, 2018.

Additionally, because of the unique nature of the Utilities Department, specific utilities legislative guidelines are reviewed and approved by the Utilities Advisory Commission (UAC) and City Council. The City Manager's Office works closely with staff in the Utilities Department to coordinate the City's entire legislative portfolio. The City Council last approved the Utilities Department's legislative guidelines on January 22, 2018 ([ID 8750](#)). Those guidelines have remained in effect, unchanged, since 2018 with approval by the UAC. At the December 4, 2019 UAC meeting, Utilities staff will suggest only minor, non-substantive changes to the 2020 Utilities Legislative Guidelines.

Discussion

State advocate

Our contracted, Sacramento-based advocate with Townsend Public Affairs, Niccolo De Luca, will make a brief presentation and respond to questions from the Committee regarding state legislation.

Legislative program

To expand on the above, the draft 2020 guidelines are a compilation of the current, approved guidelines, Council's 2019 City priorities, and items staff and the City's legislative advocates believe will serve the City in 2020. The Manual is an update of the previously approved version, with substantive additions that include:

- Specifying that any member of a City advisory body or commission must first work with the City Manager's Office if wishing to engage with a state or federal elected official in his or her City capacity (page 5)
- Noting the Utilities Department's process, as mentioned above (page 6)
- Including a Council role of working with external agencies on regional issues of shared concern (page 4)
- The continuation of Council-approved guidelines from one year to the next, if staff requests no change from Council (page 2)

Resource Impact

There is no direct resource impact associated with adopting legislative guidelines and a process manual. However, actions taken that support the efficient use of the City's assets and resources will help control costs, implement the Council's policies and goals, and protect the interests of our residents.

Environmental Review

This report is not a project for the purposes of the California Environmental Quality Act; an environmental review is not required.

Attachments:

- Attachment A - Redlined draft 2020 legislative guidelines
- Attachment B - Clean version of Attachment A, draft guidelines
- Attachment C - Draft updated Advocacy Process Manual

The City of Palo Alto's ~~2018-2020~~ Federal and State Legislative Guidelines

The below Foundational Principles represent the ideals that form the core of the City's policy agenda. The legislative guidelines all rise from and strengthen our four foundational principles:

1. Protect local revenue sources and prevent unfunded mandates
 2. Protect, seek, and increase funding for programs, projects, and services
 3. Protect and increase local government discretion. Oppose items that preempt or reduce the authority or ability of local government to determine how to effectively operate local programs, services, and activities
 4. Protecting the health and safety of the community
-

The below Legislative Guidelines create the framework for organizing the City's policy interests, while guiding staff and contracted lobbyists in their advocacy efforts on behalf of the City.

Transportation

- Deterring single occupancy drivers and alleviating local traffic congestion
- Supporting local and regional public transportation
- Seeking funding for rail grade separations and other means of reducing the local impacts of regional transportation systems
- ~~Promoting the ability of Cities to enforce a default speed limit for locally controlled streets and arterials~~

Environmental

- Reducing GHG emissions
- Reducing airplane noise and emissions and actively supporting such efforts
- ~~Studying the efficacy and cost of residential electrification; Promoting such reasonable residential and vehicle electrification programs if reasonable; promoting reasonable vehicle electrification programs~~
- Promoting the use of renewable resources, water conservation, and the flexible use of existing resources ~~to support a healthy watershed and urban canopy~~
- Supporting a statewide ban on polystyrene containers and packaging materials
- ~~Supporting advanced low-emission vehicle technology and vehicle electrification~~
- Working with the Improving-San Francisquito Creek Joint Powers Authority in its efforts to improve the creek's watershed and floodplain, including seeking grant funding
- Expanding Supporting federal, state, and regional efforts to protect local communities from sea level rise and other impacts of climate change ~~and funding for such efforts~~

The City of Palo Alto's ~~2018-2020~~ Federal and State Legislative Guidelines

Financial

- Supporting the long-term stability of CalPERS and the ability of local governments to mitigate and manage with flexibility its pension obligations
- ~~As needed, seek to p~~Protecting the funding of ambulance, paramedic, and other emergency services
- Supporting the continued deductibility of tax-exempt municipal bonds while monitoring tax reform efforts
- ~~Promoting the ability of states to capture sales tax revenue on Internet purchases~~

Public Employment

- Preserving local government's ability to manage its own employment issues, including, but not limited to: ~~employee~~ hiring, evaluating, disciplining, and/or terminating and negotiating collective bargaining agreements with employees' representatives

Technology

- ~~On a pilot basis, authorizing Palo Alto, and surrounding areas as needed, as a place for autonomous vehicle testing~~
- Supporting reasonable ~~state and federal~~ efforts surrounding policies such as strengthening cybersecurity, regulating drones and shared mobility services, ~~preserving returning to Obama-era~~ net neutrality regulations, and pursuing smart city initiatives

Housing

- Supporting reasonable housing and land use policies that recognize local ~~autonomy~~ accountability; opposing attempts to remove from localities the ability to determine their own land use policies or stymie the local political process
- Supporting the development and implementation of -efficient and sustainable land use and building practices

Commented [SM1]: Autonomy?

Health

- Encouraging reasonable action to prevent minors from purchasing or using tobacco and/or vaping products, and reducing or eliminating the negative health and environmental impacts of such products

Other

- Supporting reasonable state action to update, implement, and refine processes, services, and programs affecting the City
- Protecting individual privacy and the equal treatment of all individuals

The City of Palo Alto's ~~2018-2020~~ Federal and State Legislative Guidelines

- Supporting the collaborative work of regional partners ~~and, trade associations, and~~ Joint Powers Authorities ~~of which the City is a member~~

The City of Palo Alto's 2020 Federal and State Legislative Guidelines

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 4. Protect the health and safety of the community
-

The below **Legislative Guidelines** create the framework for organizing the City's policy interests, while guiding staff and contracted lobbyists in their advocacy efforts on behalf of the City.

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- Promoting the use of renewable resources, water conservation, and the flexible use of existing resources
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- Working with the San Francisquito Creek Joint Powers Authority in its efforts to improve the creek's watershed and floodplain
- Supporting efforts to protect local communities from sea level rise and other impacts of climate change

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The City of Palo Alto's 2020 Federal and State Legislative Guidelines

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- Supporting reasonable efforts surrounding policies such as strengthening cybersecurity, regulating drones and shared mobility services, returning to Obama-era net neutrality regulations, and pursuing smart city initiatives

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Other

- Supporting reasonable state action to update, implement, and refine processes, services, and programs affecting the City
- Protecting individual privacy and the equal treatment of all individuals
- Supporting the collaborative work of regional partners, trade associations, and Joint Powers Authorities

DRAFT City of Palo Alto Advocacy Process Manual
2020 update

TABLE OF CONTENTS

PAGE 2

PURPOSE

LEGISLATIVE GUIDELINES

COORDINATION OF THE LEGISLATIVE PROGRAM

PAGE 3

THE ROLE OF THE CITY COUNCIL

THE ROLE OF THE CMO

PAGE 4

THE ROLE OF CITY DEPARTMENTS

CITY ADVISORY COMMISSIONS AND COMMITTEES

UTILITIES DEPARTMENT

PAGE 5

LEGISLATIVE ADVOCACY IN SPECIAL CIRCUMSTANCES

SIGNATURES ON LEGISLATIVE COMMUNICATION

LOBBYING BY CITY PERSONNEL

PAGE 6

ADVOCACY METHODS

CITY COUNCIL MEETINGS WITH OTHER ELECTED OFFICIALS

STATE LEGISLATIVE TIMELINE

CITY-SPONSORED STATE LEGISLATION

**Advocacy Process Manual
2020 update**

PURPOSE

The goals of the City of Palo Alto's Legislative Program (Program) are to:

1. Set out internal procedures related to state and federal advocacy, and
2. Ensure potentially impactful state and federal legislation is identified, analyzed, tracked, and possibly, communicated to policymakers

LEGISLATIVE GUIDELINES

Each year¹ staff will suggest specific legislative priorities for Council approval, first at a Policy and Services Committee meeting, and then once approved, before the full Council. Ideally, the priorities will be fully approved by Council in December or January in advance of the upcoming state legislative session. As the priorities will have been discussed and approved by the Policy and Services Committee, they will be placed on the Council's consent agenda, unless requested otherwise.

The Legislative Guidelines provide direction to the City Council, City staff, and the City's state and federal legislative advocates. Each update is drafted after discussion with lobbyists and consideration of policy issues that are current and/or will most likely appear the following year.

COORDINATION OF THE LEGISLATIVE PROGRAM

Immediately after a department or the City Manager's Office (CMO) learns of governmental action potentially affecting the City, internal communication and coordination to analyze the action begins. If warranted, a formal City position and advocacy actions are developed for recommendation to the City Council or City Manager. Departments are urged to proactively identify legislation of importance to the City, and to communicate with the CMO.

At this point, action can proceed in either of two ways:

1. If the Council has previously adopted a legislative guideline relevant to the legislation, the CMO may act by engaging in the advocacy methods noted on page 6.
2. If there is no relevant legislative guideline or Council direction related to a potentially impactful bill, if the issue is politically controversial, or if there is significant local

¹ ¹ If staff recommends no guideline changes - after a review of the current year's approved guidelines, Council's adopted Citywide priorities, and a discussion with lobbyists - the priorities from one year will carry over to the next year with no need to return to Council for a re-affirmation of previously approved guidelines.

Advocacy Process Manual 2020 update

interest in the issue, the proposed legislation is referred to Council for direction. (See *Legislative Advocacy*, on page 5)

THE ROLE OF THE CITY COUNCIL

The City Council has ultimate responsibility for determining the City's position on legislative issues. The Council's specific responsibilities include:

- Through a review process and staff suggestions, establish state and federal legislative priorities
- Meet with the City's State and Federal legislative advocates as needed or desired
- Work with external entities on issues of shared regional policy concern
- Determine positions on resolutions proposed for adoption by the League of California Cities, the National League of Cities, the Santa Clara County Cities Association, and similar regional entities, as requested
- 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.

THE ROLE OF THE CMO

The CMO, through the City's Intergovernmental Affairs Officer, is the central coordinator of the City's legislative program. The responsibilities and activities of the office include:

- Ensuring the consistency of legislative action throughout the City
- Serving as a clearinghouse and record keeper for all legislation of interest and monitoring bills of interest to the City
- Coordinating contacts and communications with legislators and their staff
- With departmental assistance, evaluating proposed legislation that may affect the City
- Disseminating information on public policy items of interest to City departments
- Directing and overseeing the City's lobbyists, including setting priorities for action that are consistent with Council direction
- Preparing advocacy letters for the Mayor's signature
- Maintaining the City's Intergovernmental Affairs web portal

Advocacy Process Manual
2020 update

- Serving, as needed, as the liaison to stakeholder groups, legislative offices, and local jurisdictions concerning legislative activities
- Coordinating the regular review of Legislative Guidelines and presenting them at the Policy and Services Committee
- Coordinating, briefing, and providing support to Council members for visits with State and/or Federal legislators, as requested

THE ROLE OF CITY DEPARTMENTS

Active departmental participation is essential to the success of the Legislative Program. Departmental employees are the subject matter experts who can provide technical assistance and unique insight into issues potentially impacting the City. Responsibilities of the departments include, but are not limited to:

- Informing the CMO of policy issues of importance to the City and any specific bills they become aware of that may impact the department
- Designating key contacts within the department or division who are responsible for evaluating legislation and/or assisting the Intergovernmental Affairs Officer with legislative analysis and advocacy letters
- Suggesting organizations, individuals, publications, and/or legislators who may be allies in advocating the City's position on certain legislation

CITY ADVISORY COMMISSIONS AND COMMITTEES

City employees who are staff or liaison to Council appointed advisory commissions and committees should encourage those bodies to bring to the CMO's attention any proposed legislation for which they recommend a position or wish the CMO to track.

Any advisory commission or committee, or member of any such body, that wishes to engage with a legislator or legislative staff member while under the auspicious of the commission or committee must first coordinate with the CMO. No engagement will occur prior to approval from the City Manager, to ensure adherence to the City's guidelines, process, and current Council priorities.

UTILITIES DEPARTMENT

The Utilities Department maintains its own set of legislative guidelines, due to the heavily and separately regulated nature of the City's utilities lines. These guidelines are reviewed, discussed, and approved by the Utilities Advisory Commission, then approved by the City Council. The Utilities legislative guidelines shall not conflict with, but will compliment, the City's guidelines. Advocacy actions that squarely and solely affect the Utilities Department (ie: an increase in utility rates, a change in departmental operations or policies, or additional work for staff of only the Utilities Department) and that conform

Advocacy Process Manual
2020 update

with approved legislative guidelines, may be approved by the Director of the Utilities Department.

LEGISLATIVE ADVOCACY IN SPECIAL CIRCUMSTANCES

The Council is the official voice of the City of Palo Alto and the final authority for determining legislative positions. The processes outlined below reflect instances when staff has no prior Council authority, or the issue is controversial, or is a current item of significant community interest.

1. Staff will place the item on a City Council agenda, including a specific bill number, if any, an analysis of the item, and a recommendation if warranted, for Council deliberation
2. Staff will follow the direction from Council related to the specific item. If the direction is to oppose or support a bill, the CMO will relay the position to the City's lobbyist, who will take any of the advocacy methods noted below

Importantly, due to the ever-evolving and often fast pace of legislative amendments, it is rarely possible for staff to first appear before the Policy and Services Committee seeking direction. Timing is also a reason why staff receives Council approval on legislative priorities in advance of the next state legislative session.

SIGNATURES ON LEGISLATIVE COMMUNICATION

Letters and other communications expressing the City's position will customarily bear the signature of the Mayor. However, if the legislation's principal impact is on the City's operating procedures, the communication may be signed by the City Manager. In order to keep the Council and others informed of all City communication on legislation, copies of the letters will either be distributed to the Council, or placed on the City's Intergovernmental Affairs web portal, or both.

LOBBYING BY CITY PERSONNEL

Any meetings or communication with State or Federal elected officials must be done in a coordinated way to ensure consistency of messaging, accurate information and record keeping, and sharing of resources. Therefore, any departmental staff, including department heads, or City contractors, wishing to directly engage with a state legislator, member of Congress, legislative staff, or wishing to testify at a committee hearing shall first work with the CMO's office.

**Advocacy Process Manual
2020 update**

ADVOCACY METHODS

Drafting position letters is one advocacy tool, best used in conjunction with others. The City Council, City Manager, Intergovernmental Affairs Officer, and lobbyists may use any, or a combination of the below additional advocacy methods:

- Calls to policymakers, their staff, or legislative committee staff
- Meeting with legislators and their staff, stakeholders, and other groups active on the same issue or bill
- Testifying at a committee hearings regarding the City’s position and/or concerns
- Building coalitions with like-minded entities

CITY COUNCIL MEETINGS WITH OTHER ELECTED OFFICIALS

From time to time, Council meets with the City’s County, State, and/or Federal representatives, whether in Palo Alto or in other towns. These meetings are an important component of building legislative relationships and sharing issues of significance to Palo Alto. These meetings should be scheduled at the appropriate times during the respective legislative calendars; City staff will work with the City’s lobbyists, as needed, to facilitate any such meeting.

STATE LEGISLATIVE TIMELINE

Generally, the State legislature is in session from December to August or September; bills must be introduced by February of each year. The Governor has 30 days after the end of session to sign passed bills, depending on when the bill passed. The CMO will convey specific legislative deadlines to the City Council as requested.

CITY-SPONSORED STATE LEGISLATION

If a department or Council member would like the City to sponsor a state bill, meaning the City asks a legislator to introduce a bill making changes to state law at our request, it’s important to note the timing. The general ideal timeline, and the process for such action, is noted below:

October: The bill idea is discussed internally, with the CMO, the affected department(s), the City’s lobbyist, and possibly, the City Attorney’s Office. Potential allies are also discussed.

November: A fully vetted bill idea, including a summary document and amendments to the affected code section(s), is brought to a meeting with the potential author. If needed, more than one meeting with more than one legislator takes place until an author is secured.

December-February: City staff and lobbyist work with the author’s office on the specific language, as needed. The bill is sent to the State’s Legislative Council’s Office for official

Advocacy Process Manual
2020 update

drafting, and the bill is formally introduced.

February to October: City staff and lobbyist work on advancing the bill, to include testifying at committee hearings, meeting with proponents and opponents, discussing amendments and strategy, meeting with the author's staff and the Governor's staff crafting letters and advocacy pieces, and the like.

Due to the potential work load of bill sponsorship and technical specificity required to craft bill language, it is very important that the affected department(s) designate one or two staffers who can actively assist the CMO throughout the life of the bill. For specifics about the timeline and actions required, please contact the Intergovernmental Affairs Officer.