



Midpeninsula Regional
Open Space District

LEGISLATIVE, FUNDING AND PUBLIC AFFAIRS COMMITTEE

R-16-12
February 9, 2016

AGENDA ITEM 6

AGENDA ITEM

Draft Board Policy Titled “Positions on Ballot Measures and Legislative Advocacy”

GENERAL MANAGER’S RECOMMENDATION

Review and discuss the draft policy titled Positions on Ballot Measures and Legislative Advocacy and consider recommending approval by the Board of Directors.

SUMMARY

At the September 23, 2015 Board meeting, the Board referred to the Legislative, Funding, and Public Affairs Committee (LFPAC) development of a policy concerning Endorsements of Ballot Measures and Legislative Advocacy.

MEASURE AA

This is not a Measure AA project.

DISCUSSION

Occasionally, the Board of Directors or individual Board members may receive requests to endorse a specific position regarding local or state ballot measures. District staff and outside consultants also monitor legislation at the state and federal levels to watch for legislation that may impact the District’s ability to operate successfully or impact the District’s ability to implement its mission. The Board does not currently have a policy to govern when it may choose to endorse or advocate a position related to ballot measures or legislation.

While LFPAC receives regular updates regarding legislation that may impact the District or its operations, many legislative items are time sensitive and must be acted on quickly. When action must be taken quickly, the General Manager is authorized to advocate on the District’s behalf after consultation with the Board President or his/her designee.

Approval of a policy governing when the Board may choose to take a position on a ballot measure or legislation does not restrict individual Board members from acting as individuals outside their capacity as a District official. Additionally, the Board of Directors may take a position on any ballot measure if a majority of the Board is interested in doing so.

FISCAL IMPACT

Although there is no fiscal impact directly associated with approval of the draft policy “Positions on Ballot Measures and Legislative Advocacy” the recommended policy could increase staff time required to research ballot measures or legislation, and therefore impact workload priorities.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

If approved by the Legislative, Funding, and Public Affairs Committee, the Board policy “Positions on Ballot Measures and Legislative Advocacy” would be forwarded to the full Board for review and approval.

Attachment

1. Draft Board Policy “Positions on Ballot Measures and Legislative Advocacy”

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Contact person:
Shelly Lewis, Public Affairs Manager

Prepared by:
Jennifer Woodworth, District Clerk

Midpeninsula Regional Open Space District

Board Policy Manual

Positions on Ballot Measures and Legislative Advocacy	Policy 1.____ Chapter 1 – Administration and Government
Effective Date:	Revised Date:
Prior Versions: N/A	

Purpose

To establish a policy governing positions on ballot measures and State and Federal legislative advocacy.

Policy

1. Positions on Ballot Measures

- a. From time to time the Board of Directors may be asked or may desire to take a position on local or state measures. The Board may consider taking a position on the measure/proposition if the measure/proposition:
 - i. Would directly impact the District’s finances, responsibilities, legal authority, or operations; AND
 - ii. The measure/proposition has been referred to staff for analysis by majority vote of the Board of Directors. The guiding principles listed below (2(b)(i)) shall be used to inform the Board’s consideration of whether to refer a measure/proposition to staff for analysis; AND
 - iii. The measure/proposition is in line with the District’s mission and/or commitment to preserve open space within its sphere of influence.
- b. Staff shall provide analysis and a position recommendation only when a ballot measure/proposition directly impacts District business. District business shall be defined as all matters directly related to service delivery, or otherwise contributing to the District’s operational success. Analysis shall reference any relevant current District policy and/or past practices. All measures/propositions determined to not impact District business, may be analyzed by staff if directed by a majority of the Board, and their report will include possible alternatives for Board action but not a position recommendation.

2. State and Federal Legislative Advocacy

- a. The Legislative, Funding, and Public Affairs Committee (LFPAC) receives periodic updates regarding the District’s legislative program. When LFPAC determines that a proposed legislation may affect District business, it may direct staff to take action in support or opposition to State or Federal legislation.
- b. Due to the fast pace of the legislative process, positions of support or opposition to State or Federal legislation originating either from the District or in response to

requests from partners, may be taken by the General Manager on behalf of the District without prior Board approval if the legislation:

1. Would directly impact the District's finances, responsibilities, legal authority, or operations; AND
2. Is consistent with existing District policy, past action, or current District Strategic Plan; AND

The General Manager shall report back to the full Board on positions of support or opposition taken without Board approval at or before the next regular Board meeting.

- c. Full Board action is required regarding legislation that is not clearly within the guiding principles above. An exception to this rule is the following: if a significant item requires action before Board approval can be obtained, the General Manager may take required action only AFTER consultation with and concurrence from the Board President or next ranking Board officer in the event the Board President cannot be reached. Any actions taken under this authority shall be reported back to the full Board at or before the next Board meeting.
 - d. Full Board action is required to support or oppose any type of grassroots advocacy action, such as social, political, or economic movements, that are not legislation.
3. Board members representing the District in their official capacity on regional or other bodies may, at his or her discretion, take actions based on the principles above.
 4. This policy is not intended to limit the prerogative of individual Board members from expressing their individual support for or opposition to any local measure, State proposition, State or Federal legislation, or grassroots advocacy actions. However, in doing so, the member should clearly state they are speaking for themselves, and not in an official capacity on behalf of the Board or the District.