



Midpeninsula Regional
Open Space District

LEGISLATIVE, FUNDING AND PUBLIC AFFAIRS COMMITTEE

R-16-12
March 15, 2016

AGENDA ITEM 1

AGENDA ITEM

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

GENERAL MANAGER’S RECOMMENDATION

Review and discuss the proposed draft “Positions on Ballot Measures and Legislative Advocacy Policy” 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. The proposed draft policy has been prepared in response for LFPAC review.

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 proposed 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 recommended 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”

Responsible Department Head:
Steve Abbors, General Manager

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 local and state ballot measures/propositions and state and federal legislative advocacy.

Policy

1. Positions on Ballot Measures or Propositions

- i. **Board Directed.** From time to time, the Board of Directors (Board) may be asked or may desire to take a position on local or state ballot measures/propositions. The Board, by majority vote, may direct the General Manager to research the measure/proposition and return to the Board at a future meeting with information and a General Manager recommendation, if appropriate, before the Board votes to take a position if the measure/proposition relates to the District's mission AND would directly impact the District's business, such as project delivery, operations, finances, legal authority, or other District responsibilities.
- ii. Measures/propositions determined to not impact District business may nonetheless be analyzed by the General Manager when directed by a majority vote of the Board, of which the analysis report would include possible alternatives for Board action, but no position recommendation.
- b. **General Manager Recommended.** The General Manager may independently provide analysis and a position recommendation to the Board when a local or state ballot measure/proposition would clearly enhance or impede the District's operational success.

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 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. Is related to the District's mission; AND

2. Would directly impact the District's business, such as project delivery, operations, finances, legal authority, or other District responsibilities; AND
3. The position being taken is consistent with existing District policy, past action, or District Strategic Plan.

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 criteria listed above under Section 2.b. 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 the 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.
3. 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.
 4. 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.
 5. This policy is not intended to limit the prerogative of individual Board members from expressing their individual support for or opposition to any local ballot 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.