



Midpeninsula Regional  
Open Space District

R-16-43  
Meeting 16-08  
April 13, 2016

## AGENDA ITEM 11

### AGENDA ITEM

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

### GENERAL MANAGER’S RECOMMENDATION

Approve the “Positions on Ballot Measures and Legislative Advocacy” policy as recommended by the Legislative, Funding and Public Affairs Committee.

### SUMMARY

The District occasionally receives requests to endorse ballot measures and regularly responds to proposed legislation which may affect the District and its operations where timeliness may be critical to the outcome. In addition, Board members have opportunities to represent District positions in public or as private citizens. The attached policy, “Positions on Ballot Measures and Legislative Advocacy”, was developed to ensure consistency in the District’s approach to these important matters and includes definitions for additional clarity.

### MEASURE AA

This is not a Measure AA project.

### DISCUSSION

At the September 23, 2015 meeting of the Board of Directors, the Board referred development of a policy concerning Endorsements of Ballot Measures and Legislative Advocacy to the Legislative, Funding, and Public Affairs Committee (LFPAC) to ensure consistency and timeliness in the District’s response to such matters. The attached policy “Positions on Ballot Measures and Legislative Advocacy”, provides guidance for considering positions the Board may wish to take on both matters before the voters and on local, state and federal legislation, and when representing the District as a member of the Board or as a private citizen.

#### Positions on Matters Before the Voters

Occasionally, the Board of Directors or individual Board members may receive requests to endorse a specific position regarding local or state ballot measures. The attached policy provides guidance on how the Board may consider taking a position if the measure or proposition would directly impact District business interests AND is in line or inconsistent the District’s mission and related commitments. The policy further describes how the Board, by majority vote, may direct the General Manager to perform appropriate research and return with a recommendation after which the Board may vote on that recommendation or how the Board, again by majority vote, may direct the General Manager to analyze measures or propositions that do not impact

District business. In that case, the General Manager would return with alternatives for Board action without a position recommendation.

#### Local, State and Federal Legislative Advocacy

While LFPAC receives regular updates from staff and consultants regarding legislation that may impact the District or its operations, many legislative items are time sensitive and must be acted on quickly. Because the District's response to legislation can be very time sensitive, the attached policy describes the general circumstances when LFPAC would bring legislation back to the full Board; when LFPAC would direct the General Manager to take a position or when the General Manager would advocate on behalf of the District when there is not time to convene either LFPAC or the full Board, as long as specific criteria are met.

#### Official and Private Advocacy by Board Members

In addition to action on positions before the voters and local, state and federal legislative advocacy, the attached policy provides guidance for those instances when Board members take an official position on behalf of the full Board and when they take a position on behalf of themselves as a private citizen.

### **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.

### **BOARD COMMITTEE REVIEW**

The Legislative, Funding, and Public Affairs Committee reviewed and discussed the "Positions on Ballot Measures and Legislative Advocacy" policy at its meeting on March 15, 2016 and suggested several edits for inclusion in the final draft. The revised policy is recommended for approval by the Board of Directors.

### **NEXT STEPS**

If approved by the Board of Directors, the "Positions on Ballot Measures and Legislative Advocacy" policy would be included in the Board Policy Manual and used by staff in guide the process for reviewing and analyzing local, state, and federal legislation.

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

<p style="text-align: center;"><b>Positions on Ballot Measures and Legislative Advocacy</b></p>	<p style="text-align: center;"><b>Policy 1.____ Chapter 1 – Administration and Government</b></p>
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. It is intended to cover all matters before the Legislature and the voters.

### Definitions

For the purposes of the *Positions on Ballot Measures and Legislative Advocacy* policy, the following terms and definitions shall be used:

*Measure* – may be included on a municipal, county, or district ballot and includes ordinances, initiatives, referenda, advisory measures, issuance or refunding of bonds, city or county charter amendments, or any other measure or proposition a legislative body may submit to the voters within the body’s jurisdiction.

*Ballot Proposition* – can be a referendum or an initiative measure that is submitted to the electorate for a direct decision or direct vote. Propositions may be placed on the ballot by the California State Legislature or by a qualifying petition signed by registered voters.

*Initiative* – power of the electors to propose legislation, and to adopt or reject them. Any proposed ordinance may be submitted to the legislative body by means of a petition.

*Referendum* – applies to the process for repealing newly enacted legislation. Within specified time limits, the electors may file a petition protesting the adoption of that legislation.

*Local Legislation* – typically ordinances, which are the laws of a city, charter, or district, often having the force of law, but only within the local jurisdiction.

*State or Federal Legislation* – bills or proposed legislation under consideration by the legislature at the state or federal level.

### Policy

1. Positions on Matters Before the Voters
  - 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. Is in line with or inconsistent with the District's mission and/or commitment to preserve open space within its boundaries and sphere of influence.

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. At that time, the Board may vote to take a position on a measure/proposition.
  - b. 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.
  
2. Local, 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 the General Manager to prepare a recommendation for consideration by the full Board or where there is not adequate time to convene the full Board, may direct the General Manager to take action to support or oppose the legislation without full Board approval. In such cases, the General Manager or designee shall report to the Board any actions taken to support or oppose legislation at or before the next Board meeting.
  - b. When time is so short that neither the full Board nor LFPAC can be convened to consider positions to support or oppose local, state or federal legislation, the General Manager is authorized to take a position on behalf of the District if the legislation:
    - i. Is related to the District's mission; AND
    - ii. Would directly impact the District's business, such as project delivery, operations, finances, legal authority, or other District responsibilities; AND
    - iii. The position being taken is consistent/inconsistent with existing District policy, past action, or District Strategic Plan; OR
    - iv. The legislation carries other considerations that make it contrary to the District's interests.

In such instances, the General Manager or designee shall report to the Board any actions taken to support or oppose the legislation at or before the next Board meeting.
  - c. Full Board action is required regarding legislation that is not clearly within the criteria listed above under Section 2.b. or guided by direction previously given by LFPAC.

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 consistent with previously approved Board positions and policies.
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. Individual Board Members who take a position in support or opposition to ballot measure or legislation for which the Board has not previously taken a position are encouraged as a professional courtesy to include the language *for identification purposes only* parenthetically following their signature referencing their position on the Board.