



Midpeninsula Regional
Open Space District

LEGISLATIVE, FINANCE, AND PUBLIC AFFAIRS COMMITTEE

R-17-118
October 24, 2017

AGENDA ITEM 2

AGENDA ITEM

2018 Legislative Program

GENERAL MANAGER'S RECOMMENDATION

Receive and provide comments on the Draft 2018 Legislative Program. The draft document outlines the District's legislative priorities and policies for the coming year.

SUMMARY

Each year, the District reviews numerous proposed legislation at the local, state, and federal levels to identify opportunities to further the District mission, strategic and action plan priorities and key projects. Most bills are considered on a "case by case" basis as to how it fits with the District's mission. The Draft 2018 Legislative Program provides a publically accessible, transparent, and proactive summary of the issues. It also has the added benefit of prompting department managers and Board members to think about their work in policy terms, rather than just project execution. This promotes a high degree of interdepartmental coordination and culture of "continuous improvement."

Staff will provide an overview of the Draft 2018 Legislative Program (Attachment 1). The Legislative Committee (LFPAC) will review and comment on the legislative policy proposals.

DISCUSSION

In order to use District resources efficiently and effectively, a District Legislative Program document is proposed to crystalize and articulate the priorities of the Board of Directors. Many municipalities, like counties, in the District's jurisdiction create similar documents to clarify, guide, and streamline their own advocacy efforts. It also has the added benefit of targeting and aligning the efforts of staff and elected officials as they consider positions in the Program. Action that are taken by the District based on the Legislative Program are governed by Board Policy 1.11 (See Attachment 1).

Development of Policy Positions and Priorities:

In early November 2016, District Department Managers were briefed on the intent of the document and asked to provide a brief preliminary list of policy statements with respect to their departmental work. Staff met with each Department Manager, as well as the General Counsel

and the Chief Financial Officer, to identify needs. These policy positions are summarized and formatted for Committee review, and Board consideration and approval.

The Legislative Program is broken into several sections:

- **Legislative Priorities** - The top legislative priorities for the Midpeninsula Regional Open Space District in the first year of the 2018 State Legislative Session. They are categorized by the Board's Strategic Plan Goals/Strategy areas (<https://www.openspace.org/about-us/strategic-plan>) to provide a clear connection to organizational priorities
- **District Legislative Policy Positions** - The ability of the District to deliver its mission and remain a sustainable organization can be impacted by legislation proposed on the local, state, or federal level. To this end, proactive, Board-approved policy positions taken by the District on a variety of relevant issue areas help to not only crystalize thinking among Board members and staff, but also ensures consistency in advocacy. To be consistent with other District processes and performance metrics, these policy positions have been broken down by areas specified in the annual Fiscal Year Major Accomplishment report (<http://www.openspace.org/about-us/public-information/accomplishments-15>)
- **Federal Legislative Priorities** - The top legislative priorities for the Midpeninsula Regional Open Space District in the first year of the 2018 Federal Legislative Session.

Preliminary Board Member Feedback:

In preparation for LFPAC review, staff met with each Board member in August to review the document format and to receive preliminary feedback. Board member comments are listed below and have been incorporated into the Draft Legislative Program:

- Concern about electric vehicles on bike paths and recreational trails
- Concerned about support for farmworker housing
- Supports jobs-housing balance
- Supports school age resident access
- Supports increase access to underserved communities
- Supports permit streamlining for projects in San Mateo County (x2)
- Concerned about marijuana grows
- Supports urban infill to prevent sprawl into open space
- Supports greater connectivity between Priority Conservation Areas (PCA) and Priority Development Areas (PDA) through density credit transfer programs
- Supports programs that educate communities proximate to the District about the benefits of open space
- Include a glossary of terms
- Minimize acronyms

FISCAL IMPACT

None. Staff will provide the fiscal impact summary of individual legislative priorities as they evolve and arise based on the 2018 Draft Legislative Program in the Legislative Update Report presented by staff at LFPAC regular meetings as well as at the Board of Director Meetings.

BOARD COMMITTEE REVIEW

This item was not previously reviewed by Board Committees.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act. No additional notice is required.

CEQA COMPLIANCE

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

NEXT STEPS

Staff will incorporate the Committee's input and present the updated Draft 2018 Legislative Program to the full Board for approval.

ATTACHMENTS:

1. Board Policy 1.11: Positions on Ballot Measures and Legislative Advocacy
2. MROSD Legislative Session Program - 2018

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Midpeninsula Regional Open Space District

Board Policy Manual

Positions on Ballot Measures and Legislative Advocacy	Policy 1.11 Chapter 1 – Administration and Government
Effective Date: 4/13/16	Revised Date: N/A
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.

Midpeninsula Regional Open Space District Legislative Session Program 2018

Updated October 16, 2017

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Introduction:

Midpeninsula Regional Open Space District's Mission:

To acquire and preserve a regional greenbelt of open space land in perpetuity, protect and restore the natural environment, and provide opportunities for ecologically sensitive public enjoyment and education.

To further the agency's mission, the Midpeninsula Regional Open Space District (the District) reviews, including opportunities and challenges, and establishes priorities and policy statements prior to the start of each legislative year, typically late in the calendar year, to guide its advocacy activities at the state and federal levels. The 2018 Legislative Session Program outlines the District's priorities in the coming year and details the District's legislative policies—providing general direction for advocacy. It reflects the District's commitment to the mission, the goals outlined in the 2014 Vision Plan, and the District's Strategic Plan along with the annual Action Plan process.

Advocacy of the District's Interests

While this document attempts to cover a wide variety of legislative issues that may have an impact on the District, it is not comprehensive, complete or final. Throughout the state and federal legislative sessions, the District will review and take positions on various policies and state or federal budget items.

Per Section 2.0 of Board Policy 1.11, legislative advocacy are considered in the following manner:

Section 2.0: Local, State, and Federal Legislative Advocacy

- a. The Legislative, Funding, and Public Affairs Committee (LFPAC) receives periodic updates throughout the year 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.

All legislation on which the District takes a position will be closely tracked by the General Manager's Office (GMO) and reported to the Board of Directors and departments. Contracted state and federal advocacy teams will represent the District interests based upon the policies contained in the Board-approved Legislative Session Program. In addition to District position letters, Board members and District staff may be asked to testify or meet with relevant legislators or members of the Executive branch to advocate on issues requiring heightened advocacy. If this is the case, District staff must first notify and/or confirm approval of the GMO to ensure that positions taken are consistent with the District's Board approved Legislative Session Program.

Legislative Priorities:

The following are the top legislative priorities for the Midpeninsula Regional Open Space District in the first year of the 2018 State Legislative Session. They are categorized by the Board's Strategic Plan Goals/Strategy areas (<https://www.openspace.org/about-us/strategic-plan>) to provide a clear connection to organizational priorities:

Promote, establish, and implement a common environmental protection vision with partners

1. **Watershed Protection:** The District supports legislative or regulatory efforts that enhance the ability to protect watershed land, as well as restore and maintain associated habitats.
2. **Regional Conservation:** The District supports legislation that enhances and funds regional collaboration and coordination of conservation efforts.
3. **Wildlife Corridors:** The District will support efforts to bring greater funding opportunities and permit streamlining to conservation related to wildlife corridors. With the passage of Santa Clara County Measure B and a focus at the state level on funding transportation infrastructure, advance mitigation has become increasingly important to ensure that habitat connectivity is enabled and maintained.

Connect people to open space and a regional environmental protection vision

1. **Equitable Access:** The District will support efforts to enhance funding eligibility for Disadvantaged Communities in high-cost regions like the Bay Area. Low-income communities in and around the District's purview are under increasing cost pressures due to the continuing tech boom in Silicon Valley. Despite this, these traditionally underserved areas have difficulties accessing funding intended to benefit them due to formulas that fail to recognize their status relative to other parts of the state that accommodate similar populations.
2. **Every Kid in a Park Initiative:** The District supports the National Park Services effort to mobilize children and parents to visit and enjoy America's outdoor spaces; to encourage the next generation to discover America's public lands and waters.
3. **Trail Corridors:** The District supports policy that helps link preserve trails to other regional trails and ultimately to the places where people live and work

Strengthen organizational capacity to fulfill the mission

1. To be determined.

Position the District for long-term financial sustainability to fulfill the District's mission on behalf of the public

1. **Parks Bond:** The District supports the presentation by either the State Legislature or Public for the consideration of a significant statewide bond that will benefit a wide range of parks and open space priorities. Funding for areas defined as Disadvantaged Communities should accommodate the cost of living landscape across California.
2. **Cap and Trade/Climate-related Funding:** The District supports efforts to emphasize and increase the recognition for the use of natural and working land (NWL) for the purposes of carbon sequestration and subsequent allocations of Cap and Trade funding. With the passage of SB 32 (Pavely) in 2016 there will be increased pressure to not only eliminate sources of greenhouse gas generation, but also find ways to capture emissions as well. This further promotes the recognition of the region's greenbelt as its "life support system."

District Legislative Policy Positions:

The ability of the District to deliver its mission and remain a sustainable organization can be impacted by legislation proposed on the local, state, or federal level. To this end, proactive, Board-approved policy positions taken by the District on a variety of relevant issue areas help to not only crystalize thinking among Board members and staff, but also ensures consistency in advocacy. To be consistent with other District processes and performance metrics, these policy positions have been broken down by areas specified in the annual Fiscal Year Major Accomplishment report (<http://www.openspace.org/about-us/public-information/accomplishments-15>).

Vision Plan Implementation

Entrusted by taxpayers in 2014 with the passage of its \$300 million Measure AA bond the District supports legislation that:

1. Streamlines project timelines and reduces delivery costs to implement the Priority Action portfolio of the Vision Plan (<https://www.openspace.org/our-work/projects/vision-plan>)

Public Access and Education

The District supports legislation that:

1. Protects cultural resources
2. Increases public access to preserved land region-wide
3. Helps link preserve trails to other regional trails and ultimately to the places where people live and work

4. Helps provide educational opportunities for preserve visitors about natural and cultural resources and the benefits of open space
5. Keeps preserves safe, clean, and inviting for healthy exercise and enjoyment
6. Promotes involvement and engagement of communities in ongoing conservation
7. Funds and enables programs for hiring youth to work in parks and open space careers
8. Creates or augments grant programs to enhance public access, provide fire clearance, and enable housing rehabilitation
9. Helps fund and streamline emergency repairs to District infrastructure
10. Funding that supports partnership approaches to environmental education and public outreach efforts on local and state levels. For example, Next Generation Science Standards (NGSS), California Education and the Environment (<http://www.californiaeei.org/>) and ChangeScale (<http://changescale.org/who-we-are/>)
11. Streamline permits for trail maintenance and construction, including grading
12. Improves and streamlines the permitting and CEQA review and compliance process
13. Provides parks and open space districts the authority to utilize a variety of contracting methods to construct projects, including design-build methodologies
14. Legislation that promotes implementation and education of sustainable design and construction; including but not limited to LEED buildings, stormwater treatment and runoff reduction, local (within 150-mile radius of project) contractor/consultant hiring and construction materials, reuse and recycle materials, renewable energy, and landscaping
15. Transportation measures that enhance community member opportunities to access open space preserves and state parks
16. Improves local transportation, which enables better connectivity between the built and natural environment, i.e. Transit to trails
17. Enables Native American community involvement in cultural and land management practice awareness
18. Increases environmental education access opportunities, including volunteer opportunities, for underserved communities
19. Enhances the ability to engage and involve a diverse team of Bay Area volunteers in the protection, conservation, restoration, and enhancement of the District's natural resources, trails, and facilities.
20. Provides prevailing wage exemptions for volunteers

21. Prohibits drones (Unmanned Aerial Vehicles) from operating near fires and other emergency incidents
22. Helps eradicate marijuana growing on public lands and restore lands damaged by its growth.
23. Aids enforcement of marijuana laws related to the implementation of Prop 64 (2016)

Natural Resources Protection and Restoration

The District supports legislation that:

1. Supports working farms and ranches
2. Supports farm labor housing
3. Enhances management of water quality for all priority watersheds
4. Protects local and regional watershed holdings and water quality protection
5. Enables Cal Fire to continue inmate work programs.
6. Promotes expedited tree and brush removals by public agencies for fire protection and public access.
7. Ensures reasonable setback requirements that allow minimum defensible space clearances to be met by private property owners.
8. Supports wildfire management to become a more natural component of the ecosystem, and minimize negative effects on the community and environment
9. Connects habitats that support a diverse array of native plants and animals
10. Incentivizes agricultural operations to invest in energy efficient irrigation technologies that reduce greenhouse gas (GHG) emissions and water use
11. Provides funding to local partners to provide technical support for agriculture and natural resources enhancement
12. Creates or enhances new funding sources to implement local or state government programs that benefit the environment such as: watershed protection, groundwater recharge and sustainability, water conservation, GHG reduction, Areas of Special Biological Significance compliance, Rare, Threatened, and Endangered species management and recovery
13. Expands funding for:
 - a. Wetland restoration projects that provide carbon sequestration benefits.
 - b. Forest health programs that reduce GHG emissions through fuel reduction.
 - c. Wildlife Corridor projects that improve wildlife habitat connectivity

14. Ensures maintenance of adequate open space through increased funding for development easements, needed restoration, and rehabilitation activities
15. Encourages public road management agencies to control invasive plant populations.
16. Emphasizes the use of Integrated Pest Management (IPM) practices that aligns with the District's program
17. Reduces/further regulates the use of second-generation anticoagulant rodenticides
18. Supports increased knowledge, management, and ultimately the eradication, of Sudden Oak Death disease.
19. Ensures "Open Space" zoning for permanently protected lands that allow for typical maintenance and construction activities.
20. Furthers implementation of Senate Bill 32 (Chapter 249, Statutes of 2016), the Global Warming Solutions Act that establishes a GHG reduction target for the state of 40 percent below 1990 levels by 2030.
21. That enhances wildland fire management and promotes climate adaptation planning
22. Promotes the development of new mechanisms for sustainable and environmentally responsible economic development and redevelopment of housing, neighborhood, and commercial properties to minimize the carbon footprint of the built environment and reduce the pressure to sprawl into open space lands.
23. Helps efforts to protect, conserve, restore, and enhance the natural resources of the District, its coast and adjacent waters for environmentally sustainable and prudent use by current and future generations
24. Recognizes and incentivizes the use of natural and working lands for the purpose of carbon sequestration
25. Supports the development of effective and comprehensive Districtwide, regional, and statewide measures to adapt to sea level rise, community resilience, and other effects of climate change
26. Enhances or streamlines the identification, creation, and maintenance of wildlife corridors both within District lands and adjacent entities
27. Promotes advance mitigation programs and wildlife corridor networks
28. Enhances regulatory permit streamlining and closer collaboration and coordination between regulatory agencies

Land Acquisition and Restoration

The District supports legislation that:

1. Expands protected land, to enhance biodiversity, climate change resilience and scenic, rural character
2. Protects watershed lands
3. Promotes the use of urban infill to reduce greenhouse gas generation and protect natural and working lands and to encourage a balance between jobs and housing
4. Allows the District to purchase or otherwise acquire regional and strategic open space lands and connect District lands to federal, state, county, city, and other protected open space, parklands, bay lands, watershed lands, wildlife corridors, and agricultural lands.
5. Enables the District to create and pursue opportunities to acquire an integrated greenbelt of protected open space, trails, and habitat corridors throughout our jurisdiction
6. Facilitates the protection of the District and the public's open space, park, and natural resources, property rights, interests, and easements
7. Preserves prime and sustainable agricultural lands through State Budget proposals that provide funding for long-term protection of these lands.

General/Midpen-wide Support of Mission

The District supports legislation that:

1. Preserves existing tax revenues and tax authority.
2. Lowers the vote threshold for locally imposed special taxes, from two-thirds to fifty-five percent.
3. Maximizes funding flexibility for use within the designated programs
4. Preserves tax-exempt status for municipal bonds on a state and federal level
5. Expands state and federal incentives that promote the issuance of green bonds
6. Enables statewide efforts to increase broadband connectivity to public agency infrastructure in remote areas.
7. Preserves and promotes cost-effective, fair, and efficient contracting practices that give taxpayers the best value for their dollar.
8. Preserves and promotes open, transparent, accountable government administrative practices that promote the efficient and timely delivery of public services, facilitates public involvement, and supports effective and timely decision-making.

2018 Federal Legislative Priorities

Given the tumult and outcomes of the 2016 federal elections this past fall, it is expected that very little progress will be made forwarding a pro-environmental agenda at the national level. It may be necessary for active advocacy to occur to defend existing environmental priorities and regulations. Statements made by both the Governor of California and the State Legislature have made clear that an active fight to preserve environmental regulations with California at the lead may be necessary.

Priority Areas:

In 2018, the District will remain focused on federal policy relevant to the following:

Land and Water Conservation Fund

The District supports full funding of the federal Land and Water Conservation Fund (LCWF).

Infrastructure Investment

The District supports the inclusion of active transportation and parks-related projects in federal funding allocations for infrastructure.

National Monument Preservation

The District supports the protection of existing designated national monuments.

2018 Regional/Local Priorities

Local land use authority predominates California planning processes even though there is a growing recognition of the importance of regional planning and coordination of efforts. This is true for both the built as well as the natural environment.

Priority Areas:

In 2018, the District supports:

Plan Bay Area 2040, Final Preferred Scenario Adoption

The District supports ratification of the final preferred scenario of the Plan Bay Area 2040 that curbs urban boundary expansion and enhances open space preservation and stewardship, and funds District priorities in adopted Priority Conservation Areas (PCA).

San Francisco Bay Restoration Authority (SFBRA), Measure AA Implementation

The District supports guideline development for SFBRA's Measure AA funds that enables implementation of District priority projects.

Santa Clara Valley Transportation Authority (VTA), Measure B Implementation

The District supports advance mitigation allocation guideline development for VTA's recently passed Measure B funds that enables implementation of District priority projects.

City of Los Altos, El Camino Real Commercial Thoroughfare (CT) Zoning

The District supports zoning definitions within the City of Los Altos' El Camino Real Corridor that continue to afford the District flexibility in its consideration of options for its new Administrative Office.