



Midpeninsula Regional  
Open Space District

## LEGISLATIVE, FUNDING, AND PUBLIC AFFAIRS COMMITTEE

R-22-80

July 12, 2022

### AGENDA ITEM 2

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Federal Legislative Positions for Consideration by the Midpeninsula Regional Open Space District

#### GENERAL MANAGER'S RECOMMENDATION:

Receive the Federal Legislative Positions Report and provide feedback on bill selections for priority action.

#### SUMMARY

The Legislative, Funding, and Public Affairs Committee (LFPAC, Committee) will review and provide feedback on a list of proposed federal legislation for priority action that are of high interest to the Midpeninsula Regional Open Space District (District) (Attachment 1).

#### DISCUSSION

The 2022 Legislative Program, which the Board of Directors (Board) approved at its January 26, 2022 meeting, reflects Board policy positions on issues affecting the District, its mission, and annual strategic goals (R-22-10). The 2022 Legislative Matrix identifies priority legislation to track this year. Staff and the District's legislative consultants actively use the Board-approved Legislative Program to communicate District positions on bills, budget recommendations, and other legislative items to the respective authors and/or legislative committees, as appropriate. Throughout the session, staff fields time-sensitive requests from partners and monitors evolving pieces of legislation based on Board Policy 1.11 (Attachment 2). Legislation deemed a priority by the Board, pursuant to Board Policy 1.11, are tracked and, when appropriate, either supported or opposed. The General Manager keeps the Board notified of actions taken via separate memo. Please refer to Attachment 1 for an overview of the initial list of bills for proposed District priority action in the 2022-23 legislative session.

The District's federal legislative consultants have reviewed every bill submitted to the 117<sup>th</sup> Congress (2021-2022) to determine whether it had the potential to affect District interests and has recommended a position and priority.

Priority definitions:

- **Priority 1:** Bills with major importance and direct impact to the District, and/or have the potential to set a critical precedent. These bills receive active attention by the Public Affairs Department and the affected department(s), which may include extensive

testimony in committee, meetings with the Legislature, discussions with partner organizations and public/media education, as appropriate.

- **Priority 2:** Bills with significant impact on the District and/or have the potential to set a critical, relevant precedent. The District sends a position letter or signs on to a coalition letter, and may discuss the item with the Legislature and provide testimony in committee, as time permits.
- **Priority 3:** Bills with a potential notable effect on the District, and/or that may set a meaningful precedent, but are determined to be of lower priority for District resources. Public Affairs Department staff, in collaboration with the appropriate department(s), may sign on to a coalition letter. Committee testimony or discussions with the Legislature may also be conducted.

Appropriate department managers have assisted with a review of all potential bills of interest and provided a recommended position and priority for each bill (Attachment 3). Approximately 50 federal bills are currently tracked, though only bills that would initiate action by the District at this time – priorities 1 and 2 – are presented. At this time, **no** federal bills are deemed priority 1 and eight are priority 2. As the federal legislative session progresses, each bill may change (sometimes substantially), warranting further consideration and disposition concurrent with Board Policy 1.11.

## **FISCAL IMPACT**

There is no fiscal impact associated with this briefing.

## **BOARD COMMITTEE REVIEW**

The 2022 Legislative Program was reviewed and adopted the full Board of Directors on February 10, 2022. This is the first review of federal Legislative Positions for the 117<sup>th</sup> Congress (2022-2023).

## **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**

These recommended 117<sup>th</sup> Congress (2021-22) Legislative Positions, with Legislative, Funding, and Public Affairs Committee feedback incorporated will be forwarded to the full Board of Directors at its next regular meeting. Staff will prepare to submit appropriate position letters to the respective bill authors, as well as ask members of its delegation to co-author these bills.

Attachments:

1. Legislative Position Recommendations
2. Board Policy 1.11 - Positions on Ballot Measures and Legislative Advocacy
3. Bill Disposition Process

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Prepared by:  
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## Recommended Federal Legislative Positions

### 1. HR 4092 (Huffman): Coastal Habitat Conservation Act of 2021. - SUPPORT

**Recommendation:** Priority 2. Submit a letter of support to the author and ask its delegation to co-author.

**Summary:** This bill authorizes the Secretary of the Interior, through the Coastal Program of the United States Fish and Wildlife Service, to work with willing partners and provide support to efforts to assess, protect, restore, and enhance important coastal areas that provide fish and wildlife habitat on which Federal trust species depend, and for other purposes. It also appropriates \$120 Million to this end.

**Consistency with Legislative Program:** Goal 2: Protect the positive environmental values of open space and agricultural lands: Position #13: Helps efforts to protect, conserve, restore and enhance the natural resources of the District, its coast, and connecting waters for environmentally sustainable and prudent use by current and future generations.

### 2. HR 159 (Sires): Community Parks Revitalization Act. - SUPPORT

**Recommendation:** Priority 2. Submit a letter of support to the author and ask its delegation to co-author.

**Summary:** This bill provides assistance for local park and recreation facilities, programs, and infrastructure. Specifically, the bill requires the Department of Housing and Urban Development (HUD) to carry out a community revitalization program to award grants to local governments for various park and recreation purposes. Additionally, HUD may make secured loans for parks and infrastructure projects to entities such as governmental entities, special purpose districts, and corporations.

**Consistency with Legislative Program:** Goal 3: Connect people to open space and a regional environmental protection vision: Position #5: Keeps preserves safe, clean, accessible and inviting for ecologically sensitive public enjoyment and education.

### 3. HR 2682 (Crow): Outdoor Restoration Partnership Act of 2021. - SUPPORT

**Recommendation:** Priority 2. Submit a letter of support to the author and ask its delegation to co-author.

**Summary:** This bill provides direct support to local, collaborative efforts to restore habitat, expand outdoor access, and mitigate wildfire. It will also spur federal investment in areas at high-risk of wildfire, with high priority wildlife habitat, or in the wildland-urban interface - where homes and businesses meet wildland vegetation - to build climate resilience in the West. It also appropriates \$60 Million to this end.

**Consistency with Legislative Program:** Goal 2: Protect the positive environmental values of open space and agricultural lands. Goal 4: Strengthen organizational capacity and long-term financial sustainability to fulfill the mission: Position#10c: Provides funding and funding flexibility to achieve mission-related goals including, but not limited to: Wildfire prevention and fuel reduction. Federal Conservation and Species Protection Policy Priority: Support legislation to conserve endangered, threatened, or at-risk critical species in the Bay Area and the State of California. This includes identifying funding opportunities to support habitat and wildlife on the peninsula.

**4. HR 4577 (Quigly): Park District Community Support Grant Program Act. - SUPPORT**

**Recommendation:** Priority 2. Submit a letter of support to the author and ask its delegation to co-author.

**Summary:** This bill would establish the Park District Community Support Grant Program, which would allow the Department of the Interior to provide up to \$100 Million to park districts for a variety of projects to support community engagement and preserve and protect historic structures. The legislation would make park districts, and special purpose districts, eligible to receive grant funds for the maintenance of land and water for parks, the operation of new or renovation of outdoor recreation facilities, and for the building operation, maintenance, or refurbishment of indoor or outdoor park district facilities.

**Consistency with Legislative Program:** Goal 3: Connect people to open space and a regional environmental protection vision: Position #5: Keeps preserves safe, clean, accessible and inviting for ecologically sensitive public enjoyment and education.

**5. HR 1864 (Welch): RTP Full Funding Act of 2021. - SUPPORT**

**Recommendation:** Priority 2. Submit a letter of support to the author and ask its delegation to co-author.

**Summary:** This bill amends title 23, United States Code, with respect to funding the recreational trails program (RTP), to require a study to determine the best available estimate of the total amount of nonhighway recreational fuel taxes received by the Secretary of the Treasury, and for other purposes.

**Consistency with Legislative Program:** Federal Public Access Priority: Identify and pursue congressional action and/or administrative regulation to increase multi-modal access to District lands. Support legislation to promote urban connections to open space and recreation opportunities. Engage with congressional staff to place importance on open space access and the need for accessibility in the Bay Area.

**6. HR 4079 (Blumenauer): Saving America's Pollinators Act of 2021. - SUPPORT**

**Recommendation:** Priority 2. Submit a letter of support to the author and ask its delegation to co-author.

**Summary:** The bill establishes a pollinator protection board to monitor the status of native pollinator populations and suspends the use of neonicotinoids and other pesticides harmful to pollinators until experts determine that they are safe to use.

**Consistency with Legislative Program:** Federal Conservation and Species Protection Policy Priority: Support legislation to conserve endangered, threatened, or at-risk critical species in the Bay Area and the State of California. This includes identifying funding opportunities to support habitat and wildlife on the peninsula.

## 7. **HR 2924 (Gomez): Transit to Trails Act of 2021. - SUPPORT**

**Recommendation:** Priority 2. Submit a letter of support to the author and ask its delegation to co-author.

**Summary:** This bill establishes a program to award grants to entities that provide transportation connectors from critically underserved urban communities and rural communities to green spaces. The legislation takes an equitable approach to help communities nationwide with the highest need for better sustainable public transportation options, making access to these public lands more affordable and accessible for all.

**Consistency with Legislative Program:** Federal Public Access Priority: Identify and pursue congressional action and/or administrative regulation to increase multi-modal access to District lands. Support legislation to promote urban connections to open space and recreation opportunities. Engage with congressional staff to place importance on open space access and the need for accessibility in the Bay Area. Federal Public Access Priority: Identify and pursue congressional action and/or administrative regulation to clearly define eligibility terms, including underserved, under-resourced, and disadvantaged. This also includes opportunities to establish definitions that recognize fundamental regional differences across the U.S.

## 8. **HR 463 (Espillat): Transportation Alternatives Enhancements Act. - SUPPORT**

**Recommendation:** Priority 2. Submit a letter of support to the author and ask its delegation to co-author.

**Summary:** This bill would make several improvements to the Transportation Alternatives (TA) program, which funds a variety of small-scale community transportation projects, such as improving pedestrian safety and access to transit, constructing bicycle facilities and infrastructure, environmental mitigation, and more. Specifically, the bill increases funding for TA and ensures more of it is made available for local governments and agencies to fund and implement these projects.

**Consistency with Legislative Program:** Federal Public Access Priority: Identify and pursue congressional action and/or administrative regulation to increase multi-modal access to District lands. Support legislation to promote urban connections to open space and recreation opportunities. Engage with congressional staff to place importance on open space access and the need for accessibility in the Bay Area.

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# 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 1.11 Chapter 1 – Administration and Government</b></p>
<p>Effective Date: 4/13/16</p>	<p>Revised Date: N/A</p>
<p>Prior Versions: N/A</p>	

### 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.

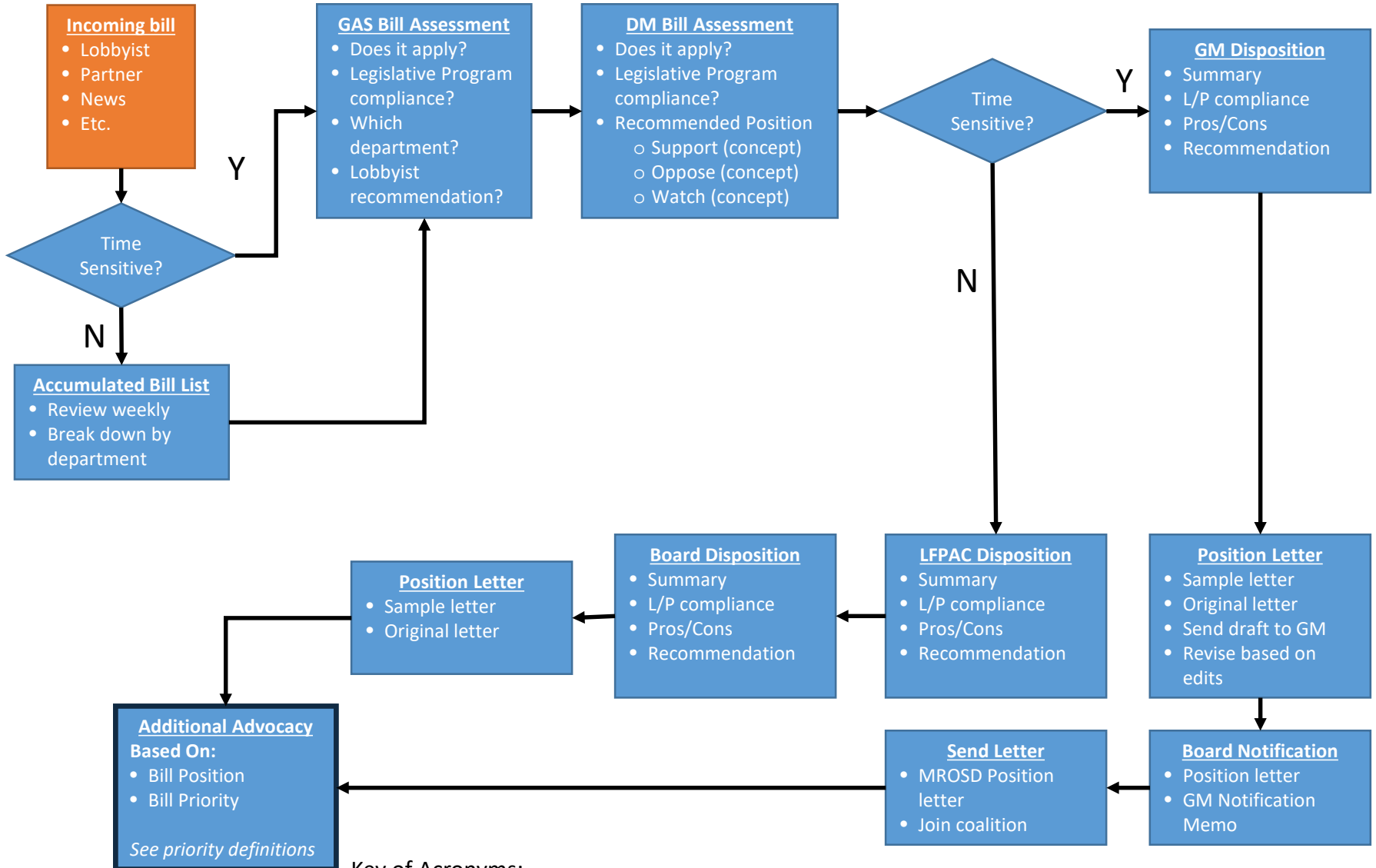
In such instances, the General Manager or designee shall report to the Board any actions taken to support or oppose the legislation at or before the next Board meeting.
  - c. Full Board action is required regarding legislation that is not clearly within the criteria listed above under Section 2.b. or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

# MROSD Legislative Bill Disposition Process

## Board Policy 1.11



**Key of Acronyms:**

- GM: General Manager
- GAS: Governmental Affairs Specialist
- DM: Department Manager
- L/P: Legislative Program