County of Orange Legislative Affairs Program

The County of Orange recognizes the need to protect its interests in Sacramento and Washington, DC. To be effective in this mission, the County of Orange has two resources available at its disposal: the County Executive Office, Legislative Affairs Program (CEO/LA) and the County's Legislative Advocates.

While the federal and state legislative processes have not changed greatly in recent years, the level of competition attempting to impact public policy debate has. With an increase in the number of entities attempting to impact these debates, the County of Orange should ensure that its Legislative Affairs Program effectively impacts the legislative process. To this end, the following protocol will be followed.

I. BOARD OF SUPERVISORS

A. As the elected legislative body given charge to make policy decisions for the County of Orange, the Board of Supervisors will direct the County's legislative efforts.

B. The Board of Supervisors will adopt policy and priority guidelines to direct the County's legislative efforts for a particular legislative year.

C. Any member of the Board of Supervisors may agendize specific issues at any time regarding the County's legislative program or regarding a specific legislative proposal.

D. The Board of Supervisors may, as individual members, write correspondences or make public their position on a particular public policy issue. They may not, however, state their position as being a position taken by the County unless the matter has come before the entire Board and a majority has approved it.

II. COUNTY EXECUTIVE OFFICE, LEGISLATIVE AFFAIRS PROGRAM

A. Overview

1. CEO/LA will be an independent legislative analyst for the Board of Supervisors. Their responsibility is to serve the Board of Supervisors in an advisory role regarding how to represent the County's interest in Sacramento and Washington, DC. CEO/LA staff serves under the policy direction of the Board but reports to the County's CEO.

2. CEO/LA has the primary responsibility to identify and monitor bills of interest, and attempt to influence the legislative process by administrating the County's legislative affairs program in collaboration with County departments. It is the responsibility of the Legislative Advocate to impact the process through their lobbying efforts in Sacramento and Washington, DC.

3. CEO/LA will provide the primary communication link between the Board of Supervisors, County departments and the Legislative Advocates regarding the County's goals on bills of interest.

4. CEO/LA will use the "Policy and Priority Guidelines" in addition to Board direction to guide their legislative affairs efforts.

5. CEO/LA will monitor County departments to ensure they are operating in a manner consistent with these procedures.

6. CEO/LA will work with designated staff from each County department for the purpose of regularly updating County departments regarding legislative issues. CEO/LA will maintain a list of the designated staff for each department and will update the list on a regular basis.

B. Board Direction

1. CEO/LA will work with the Clerk of the Board to place a recurring agenda item on the Board's agenda to allow the Board to take immediate action when necessary.

2. CEO/LA will bring before the Board of Supervisors any bill deemed by CEO/LA to have an extremely high or a high level of significance in addition to any other bill which the County should take action upon due to Board interest, strategic positioning or coalition building.

3. CEO/LA will provide a copy of the bill's most current language, the CEO/LA analysis, any department analysis completed, and will provide a recommended course of action.

4. CEO/LA will provide Board offices with copies of any CEO/LA external correspondence pertinent to the County's legislative affairs efforts.

C. Letter to the Board

1. When considering legislation with subject or policy implications that are not included in the approved Legislative Platform, a letter to the Board will be prepared by the requesting entity. If the request is made by a Board member, the letter will be placed on the Board's agenda as an attachment to the standing Legislative Bulletin, separate from other legislation under consideration. If the request is generated from a department, the letter will be vetted by CEO/LA prior to inclusion on the Board's agenda.

2. The letter can either provide a recommendation on specific legislation by the requesting entity, or it may request that the Board incorporate a new policy into the Legislative Platform on additional matters of importance to the County.

3. CEO/LA will provide an analysis of the legislation or policy as an attachment to the letter.

4. Letters to the Board from departments must be submitted to CEO/LA seven days prior to a Board meeting.

D. Legislative Tracking

1. CEO/LA will, with input from the Board of Supervisors, County departments and the Legislative Advocates, at the beginning of each legislative session identify all bills which relate to the Board's policy and priority guidelines and which may have a direct and specific impact upon the County of Orange. Throughout the legislative session CEO/LA will continually monitor each bill's status and language.

2. CEO/LA will develop a complete listing of all of the bills which are being monitored. This document will be labeled "CEO/LA Legislative Tracking Report".

    a. Beginning on the first Friday following the convening of the Congressional or state legislative sessions and every 14 days thereafter while Congress and the State legislature is in session, the CEO/LA will provide each Board Office and the CEO with an updated tracking report.

    b. For each bill listed on the Tracking Report, CEO/LA will include the bill number, a brief

description as to what the bill will accomplish, the location of the bill, the date of the latest version of the bill, and any action the County has taken on the bill (i.e. lobbying, priority level, and Board position). In addition CEO/LA staff should include any other noteworthy information.

c. The Tracking Report will detail for each bill a level of significance ranking. Levels of significances should take into account the impact the bill would have upon the County, the priority level of the bill topic, and how the bill correlates with the policy directions of the Board. The level of significance will be designated as one of the following:

1. Extremely High
2. High
3. Moderate
4. Low

E. Bill Analysis

1. CEO/LA will be responsible for the completion of an independent analysis on each bill brought before the Board of Supervisors and for any bill for which a Board office requests an analysis.

2. An analysis of any bill should include the following information as appropriate:
   a. the bill number
   b. the name of the bill's author
   c. the version of the bill analyzed
   d. CEO/LA recommended Board action
   e. the policy question related to the bill
   f. a summary of the legislative proposal
   g. arguments in support of the bill
   h. arguments in opposition of the bill
   i. a list of supporters of the bill
   j. a list of opposition to the bill
   k. impact upon the County- fiscal and other
   l. consistency of the bill with the Strategic Financial Plan
   m. comments made by other agencies or organizations
   n. background
   o. CEO/LA staff comments

p. Any miscellaneous information deemed necessary
q. date the analysis was completed
r. name of the staff member who completed the analysis

F. Attempts to Impact Legislative Outcomes

1. CEO/LA, to the extent possible, is charged with the task of gaining positive legislative outcomes for the County of Orange.

2. CEO/LA will work to actively seek amendments to legislative proposals for which the Board has taken a "Support if amended," "Oppose unless amended," or "seek amendments" position.

3. For legislative proposals deemed to have an extremely high level of significance for the County, CEO/LA will actively work to achieve the desired outcome for the County.

4. CEO/LA will maintain a good relationship with the Orange County legislative delegation.

G. Testimony

1. CEO/LA will work with Legislative Advocates to develop strategies on how best to influence the public policy debate through the testimony of the County.

2. A member of the Board of Supervisors, the Chief Executive Officer or designee, County Legislative Advocates, and Board or CEO authorized County staff are the only individuals authorized to testify on legislative issues. Such testimony will be aligned with the Board's position on a specific bill and Board policy and priority guidelines.

3. CEO/LA will aid in preparing Board members or appointed County staff for testimony before federal or state governmental agencies and/or legislative, Congressional or decision-making bodies.

4. CEO/LA will work with County departments to ensure that any prepared testimony they give on legislation is consistent with Board policy. CEO/LA will review and approve prepared testimony from County departments prior to presentation.

5. CEO/LA will inform the County's Legislative Advocates of the date of all scheduled testimony and who will be testifying, and will forward a copy of any prepared testimony to them.

H. Use of Associations and Coalitions

1. CEO/LA will work to establish coalitions with other legislative units and other associations on legislative issues of interest to the Board of Supervisors.

2. CEO/LA will work to build grassroots support for County positions and County sponsored bills.

3. CEO/LA will inform the Board of Supervisors on all coalitions, associations or grassroots efforts.

I. Informational Service

1. CEO/LA will provide the following informational reports to the County Executive Office and the Board of Supervisors:

a. Legislative Bulletin--Prepared, as needed, to update interested parties on the progress of County-sponsored measures or bills of specific interest to the Board of Supervisors. This document should be a report on Board actions.

b. Report on Final Legislative Action on State and Federal Bills of Interest to Orange County -- Prepared at the end of each legislative session to summarize the legislative actions taken on County - positioned bills.

c. Special Reports -- Prepared, as requested or assigned by the Board, on major legislative subject areas.

2. CEO/LA will coordinate the development of the following by the CEO/ Budget Office.

a. State Budget Analysis – Prepared as a preliminary analysis of the State Budget.

b. State Budget Updates -- Prepared, as needed, to update the Board of Supervisors on the latest budget developments.

c. State Budget Adoption Analysis -- Prepared upon the budget's adoption to analyze the consequences of the State's adopted budget on the County's General Fund and programs.

J. Other Services

1. Administer central contracts for legislative advocates; prepare evaluations of County legislative advocates and file contract recommendations for consideration by the Board of Supervisors; and file quarterly reports on lobbying activities with the Secretary of State.

2. CEO/LA will schedule quarterly meetings between the County's Legislative Advocates and the Board of Supervisors so that the Board of Supervisors may give direction to the Legislative Advocates regarding how they will operate on the County's behalf.

3. Plan, arrange, and attend meetings of the Board of Supervisors with the Orange County Federal and State delegations as requested.

III. COUNTY LEGISLATIVE ADVOCATES

A. County Legislative Advocates represent the County in Sacramento and Washington, DC, before State and Federal legislative bodies and executive agencies for the general purposes of: 1) expressing County support for, or opposition to, specific measures and explaining the effects of these measures upon Orange County to the appropriate legislators/executive agencies as recommended by the County Executive Office or the Board of Supervisors; 2) providing feedback to appropriate County staff on matters pending before the State and Federal legislative bodies and executive agencies; and 3) advising the Board of Supervisors regarding legislative affairs strategy.

B. The specific duties of the County's Legislative Advocates include:

1. Advocate the interests of the County in State and Federal legislation, regulations, and executive actions with members of

the Legislature, and State and Federal agencies, departments, boards, commissions, committees, and their staffs.

2. Provide members of the legislature and their staffs and State and Federal agency staffs, details of the costs and programmatic or procedural impacts of proposed legislation, regulation, or executive action on the County.

3. When requested to do so by the CEO/LA, monitor, assist and expedite grant applications.

4. Make recommendations to the CEO/LA and the Board of Supervisors regarding legislative affairs strategy.

5. Provide annual and monthly written reports to the CEO/LA and the Board of Supervisors with respect to the nature and extent of the services or actions taken on behalf of the County.

6. Maintain close contact with the Board of Supervisors, their staffs, and the County Executive Officer and the Legislative Affairs unit to be aware of the County's needs, desires, policies, and impacts relevant to legislative activity.

7. Make presentations concerning legislative activities to the Board of Supervisors at least four times per year.

C. Legislative Advocates will serve at the direction of the Board, but will report to the CEO.

IV. COUNTY COUNSEL

A. County Counsel advises the County Executive Office, County departments, the County's Legislative Advocates and the Board of Supervisors on the legal aspects of legislative matters affecting the County. This support includes:

1. Advise the County Executive Office on procedural matters and application of the Brown Act with respect to special meetings of the Board of Supervisors with Federal or State legislative delegations.

2. Review proposed legislation submitted by County departments, advise the County Executive Office on any legal

issues identified, and draft proposed legislation on behalf of the County in conjunction with the County Executive Office.

3. Provide legal support to County Executive Office and County departments on legal issues surfaced through pending legislation or in support of County sponsored legislation.

4. Review language after the County-sponsored bills are introduced.

V. COUNTY DEPARTMENTS

A. Overview

1. No action will be taken by a County department or agency on any legislation which is in conflict with Board policy and priority guidelines.

2. Elected officials are exempt from the legislative affairs procedures prescribed in this document, but may avail themselves of the procedures and services of the CEO/LA. An elected official may, as an individual member or on behalf of their department, write letters or make public their position on a particular legislative issue. They may not, however, state their position as being that of the County at large.

3. Through the CEO/LA, County departments will make the Board of Supervisors aware of all actions they intend to take with respect to legislative issues.

4. County departments will alert CEO/LA of critical legislation introduced in Sacramento or Washington, DC that will have an impact on their department.

5. County departments will submit a department analysis of any legislative proposal to CEO/LA.

6. County departments may not hire a legislative advocate unless the Board has approved the hire.

7. County departments may take positions on non-legislative matters that affect the operations, both procedural and technical, of their departments, without prior Board authorization.

B. Written Correspondence Policy for County Departments

1. County departments have the authority to originate and transmit letters in support of or in opposition to pending legislation only if the Board of Supervisors has taken a specific position on the legislation the correspondence addresses and if that correspondence:

    a. is approved by the County Executive Office before the correspondence is distributed; and

    b. identifies that the position advocated is the position of the department versus an official County of Orange position; and

    c. represents a position that is consistent with Board's position on the bill; and

        1. if copies of written correspondence are provide to the Board of Supervisors and CEO/LA by the originating department or agency before its distribution.

2. Written correspondence on behalf of the County to elected officials at the federal, state or local level should be transmitted over the signature of the Board of Supervisors. County departments should route such written correspondence through the County Executive Office for review prior to getting the signature of the appropriate County official.

C. Testimony

1. All testimony on legislation must be aligned with the Board's position on a specific bill.

2. All scheduled testimony of any kind must be communicated to and coordinated with the Board of Supervisors and the CEO/LA prior to the date of the presentation. CEO/LA will notify the Legislative Advocates when appropriate

3. County staff is authorized to present to members, committees and staffs of the Legislature and of the Congress, and local regional or State governmental decision-making bodies and organizations and associations of which a County department is a member, information of a non-policy nature (information of a

technical, operational or factual nature) without prior specific Board authorization.

4. County departments and County staff seeking to testify regarding legislation will seek CEO or Board approval.

5. Within three business days after giving any testimony, County departments and staff will submit a written report to CEO/LA regarding the testimony given. This report will include the questions and answers involved during the testimony.

D. Seeking County Sponsored Legislation

1. If a County department would like the County to sponsor a legislative proposal, the County department will contact the CEO/LA and ask that they place the proposal on the agenda for Board consideration.
2. It is the County department's responsibility to provide a background sheet and an analysis for any proposal for which the County department is seeking Board consideration. The background sheet and analysis will be provided to the CEO/LA before the item comes before the Board of Supervisors and in sufficient time that each Board member will be able to review the submitted materials.

3. To the extent feasible, County departments will refer to the goals, objectives, and priorities of their respective Business Plans when developing legislative proposals for which they plan to seek County-sponsorship.

E. Seeking County action on a bill

1. If a County department wishes the Board of Supervisors to consider taking a position on a bill, they will contact the CEO/LA and ask that it be placed on the agenda.

2. It is the County department's responsibility to provide a background sheet and an analysis for any bill for which the County department is seeking Board consideration. The background sheet and analysis will be provided to the CEO/LA before the item comes before the Board of Supervisors and in sufficient time that each Board member will be able to review the submitted materials.

VI. LEGISLATIVE ADVOCACY BY COUNTY ADVISORY BOARDS AND COMMISSIONS

A. A County advisory board or commission will not make a recommendation on pending legislation or on legislative issues to a legislative body other than the Orange County Board of Supervisors.

B. Those advisory boards or commissions which are specifically mandated to advise certain legislators under the government codes or laws establishing them are exempt from the above provisions. These Advisory Boards and Commissions may forward their recommendations per the requirements of their mandates.

VIII. POLICY AND PRIORITY GUIDELINES

A. In November before the beginning of each legislative session, the CEO/LA will request from the Board of Supervisors a list of policy and priority guidelines for the upcoming legislative year.

B. CEO/LA following the adoption of the Strategic Financial Plan will compile a listing of the Strategic Priorities identified in the Plan. The Board of Supervisors may integrate these priorities into the policy and priority guidelines they adopt for the upcoming legislative year.

C. CEO/LA will forward the determined policy and priority guidelines to the Legislative Advocates and all County Department heads.

IX. ADVOCACY WITHIN PROFESSIONAL ORGANIZATIONS/ASSOCIATIONS

A. County departments have the authority to work within the framework of county/regional/State organizations or professional associations to affect pending legislation if in advocating, staff represent a position that is consistent with Board policy and priorities.

B. Positions taken by statewide associations on pending legislation, which differs from official County positions, should be brought to the attention of the CEO/LA.

County personnel who become officers of statewide or regional professional associations should notify CEO/LA and the Board of Supervisors of their titles and responsibilities.

X. COUNTY SPONSORED BILLS

A. Overview

1. As a proactive legislative affairs measure, the County of Orange has chosen to sponsor legislation as a means of accomplishing its policy and priority goals.

2. Before bringing each legislative proposal before the Board, CEO/LA in collaboration with County Departments, Legislative Advocates, and County Counsel, as appropriate, will analyze how each legislative proposal would impact the County and its likelihood of passage.

3. In November, before each legislative session, the Board of Supervisors will determine the legislative proposals for which the County will seek authors in Sacramento and sponsorship in Washington, DC.

4. Following the Board of Supervisors decision on which legislative proposals to pursue, CEO/LA in collaboration with County Departments, Legislative Advocates, and County Counsel will develop bill language and a background sheet on each legislative proposal. Each of these documents will be presented to members of the legislature and Congress when they are asked to carry the legislative proposal.

5. CEO/LA will work with the County's Legislative Advocates to find sponsors to each legislative proposal approved by the Board.

B. Role in Sponsored Legislation

1. Once an author has been found, CEO/LA and the Legislative Advocates will work with the author's office to ensure:

    a. The proposal has been submitted to the California State Legislative Counsel or Congressional staff.

    b. A background sheet for each Committee to which the bill has been assigned has been returned to the author's office.

2. CEO/LA and the Legislative Advocates will also:

    a. work to remove any opposition to the bill.

b. work to build support for the bill.

c. communicate with the author's office regarding the bill and provide any additional information or resource necessary.

d. keep the Board informed about the bill's progress.