



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Discuss proposed Legislative Advocacy Policy and Legislative Guiding Principles and provide direction to staff
Category:	Leadership and Support Services
Meeting Date:	4/20/2021
Staff Contacts:	Ashwini Kantak, Assistant City Manager, 408-586-3053
<u>Recommendation:</u>	Discuss proposed Legislative Advocacy Policy and Legislative Guiding Principles and provide direction to staff

Background:

In 2019, the City Council, based on community input, identified seven priority areas for the City: Community Wellness and Open Space, Economic Development and Job Growth, Environment, Governance and Administration, Neighborhoods and Housing, Public Safety, and Transportation.

Initiatives and policies in these priority areas can be directly impacted by federal and state legislation and regulations so it is essential for the City to be able to closely track legislation and regulatory proceedings and advocate for the City's best interests in a timely manner.

Historically, the City has not had dedicated internal or external resources nor has there been a framework to guide work on legislative affairs. This has resulted in the City not being able to provide timely input on legislation or regulatory proceedings that could adversely impact the City's interests. This topic was initially brought forward for Council discussion in December 2018; however, discussion was deferred to a future date.

In light of the over 2,600 bills introduced during the current legislative cycle and renewed interest from the City Council, staff is recommending that Council consider a policy and legislative guiding principles so as to enable the City to quickly respond to priority legislation. For example, the League's weekly newsletter Priority Focus notes priority bills of interest to cities. Very often, even if the City wishes to send a support or oppose letter, the deadlines do not allow for adequate time for the item to be agendaized at the next regular Council meeting.

Analysis:

With this report, staff is recommending several ways to improve the process related to tracking and responding quickly to bills or regulatory proceedings at the federal and state level and to also have timely access to funding opportunities. These recommendations are based on guidance from the League of California Cities and best practices from other peer cities. Given the current budgetary constraint, staff recommends that Council provides feedback on the proposed Legislative Advocacy Framework which includes the Legislative Advocacy Policy and Legislative Guiding Principles, which would streamline in-house tracking and responding to bills as they evolve through the legislative processes at the State and federal level as discussed below.

State Legislative Process

From its inception, a legislative measure might take a year or more to move through the legislative process. Once a committee has reported a bill, it is placed on one of the respective chamber's calendars. The Assembly has four such calendars, published as one document; the Senate publishes two. These calendars are essentially a list of bills eligible for floor consideration; however, the bills on the calendars are not guaranteed for consideration. Many will never be brought up on the floor during the course of a two-year legislative period.

The process begins when a Senator or Assembly Member decides to author a bill. The idea and the language for the bill is then sent to the Legislative Counsel's Office where it is drafted into the actual bill. The bill then goes to the Senate or Assembly Rules Committee where it is assigned to a policy committee. If the bill has a fiscal impact or a state cost, it will be heard in either the Senate or Assembly Appropriations Committees. After the bill passes the fiscal committee, it is read for the second time on the floor in the "house of origin" of the bill. On Third Reading, the author presents the bill for passage by the entire house. Most bills require a majority vote (it must pass by 21 votes in the Senate and 41 votes in the Assembly), while urgency measures and appropriation bills require a two-thirds vote (27 in the Senate, 54 in the Assembly).

If a Senate bill is amended by the Assembly, or vice versa, and the House of Origin refuses to concur in those amendments, the bill will go to a conference committee. If the House of Origin does concur, the bill goes to the Governor for either signature or a veto. The Governor has 12 days to sign, approve without signing, or veto a bill.

Federal Legislative Process

Similar to the State process, legislation on the Federal level could take a year, or even two, to pass – if it is considered. Many bills on the Federal level are introduced and only a fraction are signed into law at the end of a two-year legislative period. The process for a bill starts when the Congress begins on January 3rd of an odd-numbered year and continues for two years. Once a bill is introduced by a Member of Congress, it then is assigned to a committee to be heard and "marked up." The committee commonly has a bill considered by a subcommittee before being voted out of committee by the full committee. In rare circumstances a bill goes directly from introduction to the House Rules Committee and then directly to a vote of the whole chamber – this is usually done with bills of high priority to Chamber leadership.

On the Federal level, legislation can be introduced in both the House of Representatives and the Senate. With many pieces of legislation, the two chambers will each vote on the bill and then appoint conferees to meet together to reconcile differences in the two chamber's versions of the bill for a final bill to be considered again by each chamber and sent to the President for his signature.

Legislative Advocacy Framework

In order to enable the City to provide input on bills or regulatory proceedings in a very short turnaround time staff is proposing a Legislative Advocacy Policy and Legislative Guiding Principles for Council input and a process that would then allow the Mayor or City Manager to issue support or oppose letters on individual bills based on the approved priority areas. Council will be kept apprised in a timely manner on any letters or actions related to proposed legislation.

The proposed Legislative Advocacy Policy (attached) outlines the process for tracking and responding to legislation. The policy envisions annual adoption of Legislative Guiding Principles (LGP).

Staff is recommending the following LGP for Council input and consideration:

1. *Protect Local Control*

The City values its ability and authority to exercise local control, enable excellent public services and protect and enhance the quality of life for Milpitas residents and businesses. The City supports efforts to streamline regulations that benefit the administration of the City and opposes efforts that erode the City's authority to control its own affairs.

2. *Support Efforts to Keep Milpitas Safe*

The City supports legislation and policies that enable local officials to access resources and provide quality police, fire, emergency management, emergency medical services, youth violence prevention initiatives, and to engage the community in its own safety.

3. *Support Efforts to Create Affordable Housing and Address Homelessness*

The City supports legislation and policies that enable local officials to access resources and support the creation of affordable housing, address homelessness, and to strive for a balance of jobs and housing in each city across the region.

4. *Support City's Vision for Strategic, Sustainable, and Smart Growth*

The City strives to foster economic development, including planning and implementation of regional transportation and traffic congestion relief projects. The City supports legislation and policies that support local initiatives to develop or redevelop the community to strengthen the local and regional economy, to accommodate local workers' housing needs in places close to transit and jobs, and to continually improve services provided to the community.

5. *Protect and Increase Local Funding, No Unfunded Mandates*

The City opposes legislation, policies, or budgets that have negative impacts on City services, revenues or costs. The City supports efforts that protect and enhance local governments' revenues, maximize access to State and Federal funding sources, and increase local funding flexibility including legislation that allows the City to recover costs related to state and federal mandates.

6. *Pursue or Retain Federal and State Funding for Key Efforts*

In order to support the City's efforts and key policies to provide quality services, affordable housing, transportation, and public infrastructure for its residents and businesses and to fund the needed strategic support services, it is necessary that the federal and state governments act as partners with local government and provide appropriate levels of funding for these City and regional efforts.

7. *Support and Promote Inclusive Communities*

The City values diversity and recognizes all residents, including immigrants, as valuable contributors to our community's success. The City supports legislation that helps our residents be safe, healthy, and able to thrive, while providing opportunities to actively engage in civic, cultural, and economic life

8. *Promote Livability and Environmental Stewardship*

The City values a sustainable quality of life in an urban environment. The City supports legislation and policies that emphasize sustainable development; improve environmental standards and the regulatory process; provide incentives and financial support for preservation of natural resources and climate action; promote greenhouse gas reduction, sustainable energy and water, and waste reduction policies; ensure equitable and effective regulations for Community Choice Aggregation (CCA) programs; and support efforts to mitigate odor issues.

9. *Promote Investment in Infrastructure*

The City supports legislation and policies that promote investing in the maintenance and rehabilitation of aging infrastructure and build system capacity expansion in a smart and sustainable manner.

Resources for Legislative Affairs

Some cities in Santa Clara County, such as Palo Alto, San Jose, Santa Clara, and Mountain View have retained the services of legislative advocacy consultants or lobbyists at the federal and/or state levels to assist in proactively tracking legislation and advocating for the cities' interests. Other cities rely on other outside organizations or are evaluating retaining consultants.

Given the direct effect on the City that many bills have, it would be beneficial for the City to have real-time knowledge of legislation as it is introduced and moves through the process. This would allow the City an opportunity to advocate in support of the bill and/or advocate for amendments to a bill. Larger trade associations and groups are beneficial for learning of legislation, however, at times, policy initiatives that they set forth do not focus on unique matters for the City.

Given the more direct impact of state legislation on the City, and the volume of bills proposed, in the future, the City could procure the services of a legislative advocacy firm, with a focus on specific state legislation related to City priorities and focus areas. The selected firm would need to have an established and active presence in Sacramento. Services provided by the firm could include monitoring and providing reports to the City, advocating on the City's behalf on specific legislation, and identifying potential State grants which align with the City's mission and values and assist in the writing of grant proposals and the acquiring of letters of support for grant proposals.

At this time, staff is not recommending procuring additional external resources and is instead proposing the following model to track and respond to legislative actions:

1. The City Manager's Office will work with staff across departments and with the City Attorney. The City Attorney will continue to provide analysis and information on state and federal legislation on a periodic basis and as requested by City staff.
2. Continue to have the Mayor and Council represent the City's interests on regional boards and committees such as Valley Transportation Authority (VTA), Valley Water, Cities Association of Santa Clara County (CASCC), Silicon Valley Regional Interoperability Authority (SVRIA), Silicon Valley Clean Energy (SVCE), Bay Area Water Supply and Conservation Agency (BAWSCA).
3. Leverage advocacy groups such as the League of California Cities, CASCC, California Association of Sanitation Agencies for wastewater (CASA), BAWSCA for potable water, SVCE and Cal CCA for clean energy, the Committee to House the Bay Area (CASA), California Chapter of the American Planning Association (APA), SPUR, Association of Environmental Professionals (AEP), California Building Industry Association (CBIA), and California Building Officials (CALBO).

Next Steps

Upon direction from Council, staff will bring back a draft legislative advocacy policy and legislative guiding principles for adoption.

POLICY ALTERNATIVES:

Alternative 1: Do not adopt a legislative advocacy policy and legislative guiding principles.

Pros: Will maintain status quo.

Cons: Will not enable the City to actively track and quickly respond to proposed legislation that is relevant to the City's interests.

Reason for not Recommending: Will not position the City well to proactively track proposed legislation and to respond quickly with support or oppose positions, and to make these positions clear to the legislators and the Milpitas community.

Alternative 2: Procure the services of a legislative advocacy firm, with an established and active presence in Sacramento.

Pros: Based on the City's priority areas, the advocacy firm could monitor and provide reports to the City Council and staff, advocate on the City's behalf on specific legislation, and identify potential state grants.

Cons: Will require funding in the amount of \$75,000 to \$100,000.

Reason for not Recommending: The City is currently projecting a General Fund structural deficit and has had to make reductions in staffing and services. Thus, it is not prudent at this time to fund these services.

Fiscal Impact:

No fiscal impact. Existing staff and the City Attorney's Office will leverage external industry and advocacy groups to track legislation at the state level. The City Attorney's Office will provide assistance to analyze and track legislation when requested by City staff, however, these services will be accommodated within the

existing contract and should not require additional funding depending on the volume of request for legislative analysis and assistance.

California Environmental Quality Act:

Not applicable

Recommendation:

Receive a Report on a Proposed Legislative Policy and Guiding Principles and Provide Direction to Staff.

Attachment:

Legislative Advocacy Policy

Legislative Guiding Principles