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The County of Orange Legislative Affairs Program protects the Board of Supervisor's interests in Sacramento and Washington, D.C. by advocating to state and federal decisionmakers for additional resources and authorities for County departments to better serve County residents.

This document serves as the protocol for the Board of Supervisors (Board), County departments/agencies (Departments), County Advisory Boards, Committees and Commissions (BCCs), County Executive Office – Legislative Affairs (CEO-LA), County Counsel and the County's Legislative Advocates as the County develops and implements the Legislative Affairs Program. These guidelines identify roles and responsibilities to ensure the Legislative Affairs Program represents the interests of the Board and the needs of the Departments.

I. BOARD OF SUPERVISORS

A. The Board directs the County's legislative advocacy efforts as the elected body with the authority to make policy decisions for the County of Orange.

B. The Board biennially adopts a two-year Legislative Platform corresponding to the state and federal legislative sessions as described in Sec. II. (B).

C. The Board annually adopts state and federal legislative priorities to direct the County's legislative advocacy efforts.

D. Pursuant to existing procedure, ~~I~~individual Board members may agendize specific issues at any time regarding the County's legislative program or regarding a specific legislative proposal.

E. Individual Board members may write correspondence and make public their position on a particular policy issue. They communicate their position as an individual and not on behalf of the County.

II. COUNTY EXECUTIVE OFFICE – LEGISLATIVE AFFAIRS

A. *Overview*

1. CEO-LA administers the County's Legislative Affairs Program. CEO-LA serves the Board in an advisory role regarding how to best represent the County's interests in Sacramento and Washington, D.C. CEO-LA staff serves under the policy direction of the Board but reports to the County Executive Officer (CEO).

2. CEO-LA prepares five documents related to the Legislative Program: the Legislative Platform, the Legislative Priorities, County-Sponsored Legislation, Community Project Funding/Congressionally Directed Spending, and the Legislative Bulletin.

3. CEO-LA ~~can only~~ must advocate for positions and funding opportunities that have been approved by the Board in the documents listed in Sec. II. (A). 2. CEO-LA may also advocate for positions or funding opportunities before Board action if the matter is immediate and urgent and the advocacy is consistent with the Board's direction and the Legislative Platform.

4. CEO-LA advocates for the positions identified in the documents listed in Sec. II. (A). 2 by providing legislative tracking, bill analysis, recommending Board positions, transmitting Board correspondence, attempting to impact legislative outcomes, providing testimony and comment, using associations and coalitions, providing information to the CEO and the Board, administering lobbying contracts, and commenting on regulations and proposed rule-making.

5. CEO-LA provides the communication link between the Board, Departments, and the Legislative Advocates regarding the progress of the County's goals on bills of interest.

6. CEO-LA monitors Departments to ensure they are operating in a manner consistent with these procedures.

7. CEO-LA uses the Legislative Platform and Legislative Priorities, in addition to Board direction, to guide legislative advocacy efforts.

8. CEO-LA identifies and monitors bills of interest and prepares legislative analyses for the Board.

9. CEO-LA directs the Board's Legislative Advocates to impact the process through their lobbying efforts in Sacramento and Washington, D.C.

10. CEO-LA biennially prepares a two-year Legislative Platform for Board approval. CEO-LA uses the Legislative Platform in addition to Board direction to guide legislative advocacy efforts.

B. ***Legislative Platform***

1. Every even numbered year, CEO-LA drafts, and submits to the Board for adoption, a two-year Legislative Platform that corresponds with the state and federal legislative sessions. The Legislative Platform provides policy direction and guidance to the County Executive Office and Departments. The Platform includes a matrix of policy statements providing the Board's position on state and federal issues which may impact the County's mandated services.

2. CEO-LA seeks input for the Platform from the Board, County Executive Office and Departments.

C. ***Legislative Priorities***

1. CEO-LA annually prepares, for adoption by the Board, the top state and federal legislative priorities. Adopted legislative priorities are shared with the County's Legislative Advocates, delegation members and associations to communicate key issues in Sacramento and Washington, D.C. CEO-LA uses the Legislative Priorities, in addition to the Legislative Platform and Board direction, to guide legislative advocacy efforts.

D. ***County-Sponsored Bills***

1. The County may sponsor legislation as a means of accomplishing its policy and priority goals.

2. Sponsored bill proposals may come from a Board member or a Department. Sponsored bill proposals are agendized for Board adoption upon completion of the review process as specified in Sec. V. (D).

3. CEO-LA and the Legislative Advocates:

    a. Identify author(s)/sponsor(s) for each legislative proposal approved by the Board.
    b. Develop a background sheet and other advocacy materials as needed.

4. CEO-LA may work with the Legislative Advocates on any technical or minor changes to County-sponsored legislation. Any substantive changes under consideration must be brought to the Board for approval.

5. CEO-LA keeps the Board and relevant Departments apprised of the status of sponsored bills throughout the legislative process.

6. CEO-LA and the Legislative Advocates:

   a. Work to remove any opposition to the bill.
   b. Work to build support for the bill.
   c. Work to add co-authors to the bill.
   d. Regularly communicate with the author's office regarding the status of the bill and the need for any additional support.
   e. Coordinate with relevant Departments to provide the author's office and other stakeholders any additional information or resources as necessary.
   f. Provide the Board with regular updates on the bill's progress.
   g. Provide affected Departments with regular updates on the bill's progress

E. ***Board Direction***

1. CEO-LA works with the Clerk of the Board to place a recurring agenda item, the Legislative Bulletin, on the Board's agenda to allow the Board to take immediate action when necessary. ~~CEO-LA may delete the Legislative Bulletin when there are no recommended actions.~~

2. CEO-LA brings before the Board via the Legislative Bulletin any bill deemed by CEO-LA to have a high level of significance due to County impact, Board interest, strategic positioning or coalition building.

3. CEO-LA provides an analysis and a recommended position when recommending action on a particular bill. If a Board member requests inclusion of a bill on the Legislative Bulletin, ~~CEO-LA does not have a recommended position on a bill,~~ CEO-LA provides an analysis and defers to the Board to determine a position.

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

5. When a Board member identifies an issue of importance requiring action and it is approved by the Board, it will be termed a Board Initiative. Such initiatives represent a major legislative or administrative/regulatory issue of importance to the County and include an action plan with a timeline and desired outcome. Board Initiatives will be tracked in accordance with Sec. II. (N).

F. ***Letter to the Board***

1. A letter to the Board is required before consideration of legislation with subject

or policy implications that are not included, or are contrary to, the approved Legislative Platform. 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 evaluated by CEO-LA prior to inclusion in the Legislative Bulletin.

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. For inclusion on a Board meeting agenda, letters to the Board from Departments should be submitted to CEO-LA at least 14 days in advance of the meeting.

G. ***Legislative Tracking***

1. CEO-LA tracks all legislation that may affect the County. Through its tracking, CEO-LA identifies all bills that relate to the County's Legislative Platform and may have a direct and specific impact on the County. CEO-LA monitors each bill's status, priority level, and language in coordination with Departments and Legislative Advocates.

2. CEO-LA provides an updated tracking report in the Legislative Bulletin. Tracking reports in the Legislative Bulletin include:

    a. County-Sponsored Legislation.
    b. Legislation with a Board position.
    c. Legislation regarding topics of interest to the Board.

3. Departments monitor legislation impacting their departments and regularly coordinate with CEO-LA on further action.

H. ***Bill Analysis***

1. CEO-LA, in consultation with impacted Departments, completes an analysis of each bill brought before the Board 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. A summary of the legislative proposal
f. Arguments in support of the bill
g. Arguments in opposition to the bill
h. A list of supporters of the bill
i. A list of opposition to the bill
j. Impact on the County-fiscal, operations and other
k. Background
l. Any other information deemed necessary

I. ***Board Positions***

The Board adopts one of the following positions when considering legislation:

1. *Support* – The bill has a favorable fiscal, policy or operational impact on County programs and is consistent with existing County policy.

2. *Support if Amended* – The bill would meet the criteria for a Support position if amended to add or remove a provision. If the bill is amended as requested, the County's position changes to Support.

3. *Oppose* – The bill mandates unjustified costs, interferes with efficient administration or operations of County programs, and/or conflicts with policies adopted by the Board.

4. *Oppose unless Amended* – The bill meets the criteria for an Oppose position but can be amended to remove the objectionable provisions. If the bill is amended as requested, the County's position changes to No Position.

5. *No Position* – The County has no position.

J. ***Board Correspondence***

1. After the Board adopts a position on legislation, a letter is sent by the Chair or designee on behalf of the County to the bill's author.

2. A copy of the letter is provided to the Orange County legislative delegation.

3. A letter with the Board's adopted position is sent to each committee the bill is assigned to.

4. Legislative Advocates are responsible for delivering letters to the author's office and committee staff in a timely manner to ensure the Board's position is

reflected in all analyses.

K. ***Amended Legislation***

1. CEO-LA may work with the Legislative Advocates to amend legislation before Board action if the matter is immediate and urgent and the requested changes are consistent with the Board's direction and the Legislative Platform.

2. If a bill with a Board position is amended with language consistent with the Board's direction and the Legislative Platform, CEO-LA or the Legislative Advocates may reaffirm the Board's position.

3. If a bill with a Board position is amended with language inconsistent with the Board's direction and the Legislative Platform, CEO-LA or the Legislative Advocates may conform the County's position with the Board's direction.

L. ***Testimony and Comments***

1. CEO-LA works with Legislative Advocates to develop strategies on how best to influence the public policy debate through legislative testimony and comments on proposed rules and regulations.

2. The following individuals are authorized to testify on legislative issues: A member of the Board, the Chief Executive Officer, County Legislative Advocates, and Board or CEO-authorized County staff. Testimony will align with the Board's position on a specific bill and the Legislative Platform.

3. The Board has the first opportunity to testify or comment on legislation, rules, or regulations. If the Board is not available to do so, CEO-LA will coordinate with Departments to provide testimony or comment.

4. CEO-LA and Legislative Advocates aid in preparing Board members or authorized County staff to testify before Congress, the State Legislature and federal or state governmental agencies.

5. CEO-LA works with Departments to ensure that any prepared testimony is consistent with Board policy. CEO-LA reviews and approves prepared testimony from Departments.

6. When a Board member or other County representative is not available, the County's Legislative Advocates will testify on all legislation and administrative issues on which the County has a position.

M. ***Use of Associations and Coalitions***

1. CEO-LA works to establish coalitions with other legislative units and associations on legislative issues of interest to the Board.

2. CEO-LA works to build support for County positions and County- Sponsored Legislation.

N. ***Informational Service***

1. CEO-LA provides the following informational reports to the CEO and the Board:

    a. Legislative Bulletin.
    b. Report on final legislative action on state and federal bills of interest to Orange County.
    c. Weekly legislative update on key issues occurring in Sacramento and Washington, D.C.
    d. A Board Priorities matrix provided as requested.

2. CEO-LA coordinates the development of the following with 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 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.

O. ***Other Services***

1. CEO-LA:

    a. Administers contracts for Legislative Advocates; prepares evaluations of County Legislative Advocates with input from the Board and files contract recommendations for consideration by the Board; and files quarterly reports on lobbying activities with the Secretary of State.
    b. Schedules meetings as requested between the Legislative Advocates and the Board.
    c. Plans, arranges and attends meetings of the Board with the Orange County Legislative Delegation as requested.
    d. Works with designated staff from each Department for the purpose of regularly updating Departments regarding legislative issues. CEO-LA maintains a list of the designated staff member for each Department and updates the list on a regular basis. It is a Department's responsibility to notify CEO-LA of any changes.

P. ***Comments on Regulations and Proposed Rule-Making***

1. CEO-LA seeks input from Departments regarding the impact of proposed rules and regulations on the County.

2. CEO-LA may prepare comments on state or federal rules or regulations for the Board to submit.

III. LEGISLATIVE ADVOCATES

A. The Legislative Advocates represent the County in Sacramento and Washington, D.C. before state and federal legislative bodies and executive agencies based on the scope of work outlined in their contracts. The roles and responsibilities contained in the contracts for the Legislative Advocates are incorporated herein by reference.

IV. COUNTY COUNSEL

A. County Counsel:

1. Advises the CEO, Departments, the Legislative Advocates and the Board on the legal aspects of legislative matters affecting the County.

2. Advises the CEO on procedural matters and application of the Brown Act with respect to special meetings of the Board with Federal or State legislative delegations.

3. Reviews legislative proposals submitted by Departments, advises the County Executive Office on any legal issues identified, and drafts proposed legislation in conjunction with the CEO and relevant Departments.

4. Provides legal support to the CEO and Departments on legal issues surfaced through adopted/pending legislation or in support of County-Sponsored Legislation.

5. Reviews legislative language prior to submission to the Office of Legislative Counsel and after the introduction of County-Sponsored Legislation.

V. COUNTY DEPARTMENTS

A. ***Overview***

1. No action may be taken by Departments on any legislation that conflicts with Board policy, Legislative Affairs Program Guidelines or the Legislative Platform.

2. A County elected official as an individual member may write letters or make public their position on a particular legislative issue. They may not state their position as being that of the County.

3. Departments monitor and alert CEO-LA of regulatory actions and legislation that impacts their department.

4. Appointed Department heads and/or designees coordinate all requests for assistance from the County's Legislative Advocates through CEO-LA and may not retain a legislative advocate without Board approval.

5. Departments work through CEO-LA regarding all positions on legislation.

6. Departments submit an analysis of any legislative proposal to CEO-LA 14 days prior to the desired date of Board consideration. If a Department wishes the Board to take action on a legislative issue, the analysis must be approved by the Department head.

7. Departments may provide comments consistent with Board policy on non-legislative matters that affect the operations, both procedural and technical, of their departments without prior Board authorization.

8. Department staff traveling to Sacramento or Washington, D.C. on official business notify the CEO or designee in advance and work with CEO-LA as needed to identify opportunities to promote County legislative and regulatory goals.

9. Department staff receiving requests to meet with members of Congress/ Legislature, Administration, and federal/state agencies notify their Department head, Legislative Coordinator, and CEO-LA before confirming the request.

B. ***Written Correspondence Policy for Departments***

1. Written correspondence on behalf of the County to elected officials at the federal, state or local level are signed by the Chair of the Board or their designee. Departments route such written correspondence through CEO-LA.

2. The Board may delegate authority for Departments to originate and transmit letters in support of or in opposition to pending state and federal legislation only if:

    a. The Board has taken a position, or the Legislative Platform contains a relevant policy statement.
    b. The letter has been reviewed and approved by the CEO in advance.
    c. Copies have been provided to the Board and CEO-LA by the originating Department before its distribution.

3. If a rule or regulation is deemed significant by CEO-LA, CEO-LA will coordinate with Departments on correspondence for Board consideration.

C. ***Testimony***

1. All testimony on legislation or regulatory actions must be aligned with the Board's position or the Legislative Platform.

2. All testimony must be communicated to and coordinated with the Board and CEO-LA before the date of the presentation.

3. County staff is authorized to present information of a non-policy nature (information of a technical, operational or factual nature) without prior Board authorization to members, committees, and staffs of the Legislature and Congress, and governmental decision-making bodies, and organizations and associations of which a Department is a member.

4. Department staff seeking to testify regarding legislation or major regulatory actions will seek CEO or Board approval.

5. Departments will submit a written report to CEO-LA regarding the testimony given. This report includes a summary of the testimony, questions asked and answers provided.

D. ***Seeking County-Sponsored Legislation or Regulatory Changes***

1. Departments seeking to advance a proposal for County-Sponsored legislation or a regulatory change for consideration by the Board submit a completed proposal request form to CEO-LA by the specified deadline.

2. Proposals must identify a policy or budget issue that requires legislative action; describe the problem to be addressed, proposed solution, and status of existing law; analyze fiscal and programmatic impacts to the County and State; and identify organizations likely to support or oppose the proposal.

3. Before submission, Departments communicate with their assigned County Counsel to draft proposed bill language.

4. Proposals submitted must be signed by the Department head or accompanied by a signed cover letter indicating their approval of the proposal.

5. If the legislative proposal impacts other County Departments, the department submitting the request obtains concurrence from those departments before submitting the request.

6. Upon approval by the Board to pursue County-Sponsored legislation, department staff collaborates with CEO-LA and Legislative Advocates to develop fact sheets and advocacy materials, as well as assists in responding to requests for information.

7. Departments adhere to County and department goals, objectives, and priorities and the Legislative Platform when developing legislative proposals and regulatory changes for which they plan to seek County sponsorship.

VI. LEGISLATIVE ADVOCACY BY COUNTY ADVISORY BOARDS AND COMMISIONS

A. A County advisory board or commission may not make a recommendation or take a position on pending legislation or on legislative issues to any legislative body, either as an organization or on behalf of the County. They may provide relevant information in an advisory role to the Board for consideration.

B. Those advisory boards or commissions that are specifically mandated to advise certain legislators under the government codes or laws establishing them are exempt from the above provisions. They may provide their recommendations per the requirements of their mandates, and provide a copy to CEO-LA.

VII. PROFESSIONAL ORGANIZATIONS AND ASSOCIATIONS

A. Departments have the authority to work within the framework of County/regional/ state/federal organizations or professional associations to affect pending legislation through advocacy so long as staff represent a position that is consistent with Board policy and priorities and the Legislative Platform.

B. Departments monitor proposed legislation/regulations being tracked by their organizations/associations that are of interest to the County and provide CEO-LA with information when appropriate. Positions taken by statewide and federal associations on pending legislation/regulations that differ from official County positions should be brought to the attention of CEO-LA.

C. County personnel who become officers of statewide, regional, or federal professional associations must notify the Board, CEO, and CEO-LA of their titles and responsibilities.

D. Staff and appointed Department heads coordinate with CEO-LA before advancing a

position within an organization or professional association of which they are a member.