

CONTRA COSTA COUNTY  
Office of the County Administrator

ADMINISTRATIVE BULLETIN

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**SUBJECT: Legislation, Regulation, and Intergovernmental Relations**

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**I. Purpose:**

As a unit of the state government, Contra Costa County is greatly affected by both state and federal legislation and regulation. Regular sessions of the California Legislature and Congress are held biennially. Many of the bills introduced and enacted into law, including budget bills and trailer bills, directly impact the operations of county government, as do ballot measures that are passed by voters. Recognizing the need for consistency in conveying the County's positions on federal and state legislative and regulatory matters and to provide an effective program of legislative representation, Contra Costa County coordinates interactions among the Board of Supervisors, the County Administrator's Office, County departments/agencies, County advisory bodies, and the County's contract legislative advocates in Sacramento and Washington, D.C.

This bulletin has been developed for the following purposes:

- to guide County officers and employees in matters concerning legislation and regulation,
- to facilitate participation in these matters by County departments, agencies and advisory bodies,
- to ensure that advocacy efforts are expeditious and consistent with Board-approved positions, and
- to allow the County Administrator's Office to act as a central coordinator of the legislative and regulatory activities of the County and a clearinghouse for intergovernmental relations.

## II. The County's State and Federal Legislative Platforms

The County's annual program of legislative and regulatory activity is developed to secure legislation and/or regulation that benefits the County and its residents; oppose/amend legislation and regulation that might adversely impact the County's delivery of services; shape public policy in areas that impact County government and operations; and secure state and federal funding for County purposes through the budget, grant and/or appropriations process.

Upon approval by the Board of Supervisors, the County's annual program is centered on the sponsored bills and appropriation requests initiated by the County as well as the County's legislative priorities, which are included in the County's adopted *State and Federal Legislative Platforms* ("*Platforms*"). The *Platforms* serves as a tool for focusing on and achieving the County's legislative goals.

The following process shall be used to develop the *Platforms*:

- A. Each fall/winter, the County Administrator's Office will conduct outreach to departments, agencies, and the members of the Board of Supervisors to solicit input on and recommended changes to the *Platforms*. (*Note that departments and agencies are encouraged to outreach to advisory bodies for which they provide administrative support for this purpose.*)
- B. Proposed changes to the *Platforms* will be considered by the Board's Legislation Committee, and draft *Platforms* will be recommended by the Legislation Committee for adoption by the Board of Supervisors.
- C. In January of each odd-numbered year, the County Administrator's Office will present the County's *Platforms* to the Board of Supervisors for consideration and adoption. Unless later amended, the *Platforms* will be the County's official policy/legislative agenda for the two years after adoption.

- D. In January of each even-numbered year, the County Administrator's Office will provide the Board of Supervisors an update of the County's legislative priorities, sponsored bills, and appropriations requests. The update will reflect evolving policy developments at the state and/or federal levels. The update may also seek the Board of Supervisors' approval of amendments to the *Platforms*.
- E. Departments, agencies, and advisory bodies should be alert to the need for new legislation and modification of existing legislation or law. Proposed bills or legislative changes should be brought to the attention of the County Administrator's Office so that they may be considered for inclusion in the *Platforms*.

**III. Process for Pursuing County-sponsored Legislation, State Budget Requests and Federal Appropriations Requests:**

- A. Each fall/winter, the County Administrator's Office will solicit proposals for County-sponsored legislation, state budget requests, and federal appropriations requests from all departments, agencies and the Board of Supervisors.
- B. Proposals for County-sponsored legislation and appropriations requests will be screened by a committee of the Board of Supervisors and, if approved by the committee, submitted to the Board of Supervisors for consideration.
- C. Proposals for County-sponsored legislation and appropriation requests that have been endorsed by the Board of Supervisors will be included in the *Platforms*.
- D. Legislation proposed by the County (County-sponsored bills) will be reviewed and, in some instances, drafted by the Office of the County Counsel after concept authorization by the Board of Supervisors.
- E. The County Administrator's Office, through the County's legislative advocates, will arrange for introduction of County-sponsored legislation through the County legislative delegation (the state or federal elected officials who represent Contra Costa County).

**IV. Process for Obtaining an Official County Position on Pending State and Federal Legislation**

The process for obtaining an official County position on pending legislation is as follows:

- A. The County Administrator's Office shall subscribe to a legislative bill service, through which copies of all bills, resolutions, digests, and summaries are available, and shall make these materials available to county officials, employees, and advisory bodies as needed. Appropriate mechanisms will be developed by the County Administrator's Office to transmit these materials to the various agencies and departments. Departments and agencies may also subscribe to a legislative service, as needed.
- B. County officials, employees, and advisory body members should seek to keep informed on legislation and regulation pertaining to functions under their supervision and should call to the attention of the County Administrator's Office the bills or regulations of particular importance to the County, with an analysis of potential impact on County operations and conformance with the County's adopted *Platforms*.
- C. In the analysis, the recommendation of the department, agency or advisory body should be stated, including, when appropriate, a recommendation for a formal County position. Position recommendations may include:
1. Support
  2. Support in Concept
  3. Support if Amended
  4. Oppose
  5. Oppose Unless Amended
  6. Watch
- D. The County Administrator's Office will review the recommendation for (1) potential impact on the County; and (2) policy conformance with the adopted *Platforms*. If there are interdepartmental or interagency impacts, the County Administrator's Office will work to achieve a consensus position among departments and/or agencies involved.
- E. After its review, the County Administrator's Office will make one of two determinations:
1. If the County's adopted *Platforms* contains a policy position or principle directly related to the pending legislation, action can be taken by the Chair of the Board, County Administrator, or designee of the Chair or County Administrator, in the form of a letter expressing the County's formal position.

2. If the County's adopted *Platforms* does not contain a policy or principle directly related to the pending legislation, then formal Board of Supervisors action is required.
    - i. Staff should secure a recommendation of the Board's Legislation Committee (or relevant policy committee of the Board, seeking guidance from the CAO's office, as needed) prior to presentation to the Board of Supervisors; or
    - ii. If the pending legislation is of critical importance, requires immediate action prior to the next Board meeting, and the Board Chair reasonably believes a majority of the Board would support such action, action may be taken by the Board Chair and the County Administrator in the form of a letter from the Board Chair, or designee.
    - iii. The County Administrator will seek the Board of Supervisors' ratification of such action at the next Board meeting or as soon as reasonably practicable.
- F. Generally, the County position on legislation will conform to, or at least will not conflict with, formal policy positions adopted by the California State Association of Counties (CSAC), the Urban Counties of California (UCC), or the National Association of Counties (NACo). The County Administrator will advise the Board of Supervisors in this regard and will communicate the County's formal positions on legislation to appropriate state or federal officials, including legislators, CSAC, UCC, and NACo.
- G. After the Board of Supervisors establishes the official County position on legislation and regulation, County officials and employees shall support that position when designated to represent the County.
- V. **Positions and Comments on Federal and State Rulemaking and State and Federal Budget Legislation:**

On behalf of the Board of Supervisors and in consultation with the Board Chair, County departments/agencies, and County Counsel, the County Administrator, or designee, will submit comments on pending state and/or federal rulemaking and/or state and federal budget matters when:

1. Existing policy on the issue exists in the *Platforms* and affected County departments/agencies agree with the position;
2. There is no existing policy in the *Platforms* and the proposal is technical, non-controversial or the policy impacts are minor;

3. Action is needed immediately to ensure that the County's interests are protected; or
4. Action is needed to prevent modification or termination of an existing County program or policy.

In all such instances, the Board of Supervisors shall be informed of the actions taken on the County's behalf.

## **VI. Statewide Ballot Propositions and Local Ballot Measures:**

The process for action on statewide and local ballot measures is as follows:

- a. Board members, the County Administrator, and department heads may request the Board take formal action on statewide or local ballot propositions of potential impact to the County.
- b. The County Administrator's Office will review and prepare for the Legislation Committee an impartial analysis of all ballot measures brought forward for action. The analysis shall include a copy of the ballot measure, sufficient information to understand the impacts on the County, a list of known support and opposition, and identification of existing County policy that relate to the recommended position or the new policy.
- c. The Legislation Committee of the Board shall consider the measure and make a recommendation for consideration by the Board of Supervisors.
- d. The Board of Supervisors shall consider the recommendation of the Committee sufficiently in advance of the election to enable the Board's action to be relevant, and to the extent possible, to enable the Board to postpone and reconsider the matter at a later Board meeting.

## **VII. Legislative Advocacy**

It is the primary responsibility of the County Administrator's Office, in coordination with the legislative advocates in Sacramento and Washington, D.C., to advance official County positions on proposed legislation and regulations. This advocacy may involve the participation of Board Members, the County Administrator, department/agency heads, and other designated County staff as appropriate.

To maintain a presence in Sacramento and Washington, D.C., the County may contract for state and federal representation to advocate official County positions on pending state and federal legislation, County sponsored bills, administrative and regulatory proceedings, and funding requests.

**A. Advocacy Efforts on Behalf of the County.** The following procedures address appropriate advocacy efforts on behalf of County.

Note that no department/agency or advisory body shall take an action that would imply the County's support or opposition to any pending legislation and/or regulation in the absence of or inconsistent with an adopted Board position. Furthermore, no department/agency or advisory body shall send a letter or make a social media posting communicating a position on legislation or regulation that the CAO has not reviewed and approved.

1. Testimony in Support of County's *Platforms*

- a. The County Administrator, in conjunction with the County's legislative advocates, will provide for and coordinate the attendance of county officers and employees in Sacramento and Washington, D.C. in support of the adopted *Platforms*.
- b. County representatives will be designated by the County Administrator in advance to testify in support of the County position on legislation. The County's state or federal legislative advocate will arrange such appearances and testimony so that duplicate or conflicting testimony will be avoided. In general, members of the Board of Supervisors, the County Administrator's Office, department/agency heads, and the County's contract legislative advocates will represent the County in Sacramento and Washington, D.C. for the purpose of conveying the official County position and anticipated impact of measures.
- c. The County Administrator's Office may authorize County staff to advocate before the Legislature, legislative committees, and local or regional governmental bodies on policies consistent with the Board of Supervisors' position. Proposed testimony and related materials must be submitted to the County Administrator's Office in advance of testimony for review and coordination, as necessary.

2. Non-Advocacy Related Testimony

- a. When requests are received by a department or agency to present informational and/or expert testimony on an issue, rather than as an advocate, it is not necessary to provide a copy of the testimony to the County Administrator's Office for prior review. However, the County Administrator's Office must be notified in advance of the testimony.

- b. When a department or agency is requested to provide expert testimony about a subject on which the Board of Supervisors has no formal position, as determined by the County Administrator's Office, it is imperative that the person providing the testimony state for the record that they are providing testimony as an expert in the given field and not as a representative of the County.
3. Correspondence and Social Media Advocating a Position
    - a. Following action by the Board of Supervisors on legislative and/or regulatory matters, or if action is contemplated by or consistent with the County's adopted *Platforms*, the County Administrator's Office or designee will coordinate with the Board Chair to send a letter communicating the Board's position to appropriate state and federal representatives, committees, and agencies.
    - b. The County Administrator's Office will coordinate the preparation of position letters with departments and agencies in accordance with the adopted County positions and distributed by the County's legislative advocates.
    - c. Social media use by County officials and employees to express the County's official position on pending state or federal legislation shall be consistent with the County's adopted *Platforms* and approved by the County Administrator's Office in advance of posting.
  4. Other Contact with State and Federal Representatives
    - a. County officials and employees planning trips to Sacramento or Washington, D.C. to meet with state or federal representatives, committees, and/or agencies must notify the County Administrator's Office of their intended appearance, specifying the general purpose of the visit and whom they plan to see.
    - b. In the event that a meeting is scheduled between a County department/agency and any legislator, staff of legislator, or official of state and/or federal agencies, advance notice of the meetings shall be provided to the County Administrator's Office.
    - c. Any written materials that are to be presented to a state or federal representative, committee, or agency of a legislative or policy nature shall be provided to the County Administrator's Office in advance of



presentation. Elected officials are encouraged to provide their materials to the County Administrator's Office for awareness and coordination purposes.

- d. The County Administrator's Office must be informed of the outcomes of any meetings.

#### 5. Professional Organizations' Requests for Advocacy

At times, professional organizations representing various functions of County departments/agencies may take a position on pending state or federal legislation and request letters of support/opposition or sign-on for that organization's position.

- a. Before preparing letters in support of the professional organization's position or signing on to "sign-on letters" by providing the County seal, County staff shall contact the County Administrator's Office to:
  - i. discuss the requested action and position of the organization,
  - ii. verify whether there is existing County policy or position on the issue, and
  - iii. verify that it does not conflict with adopted Board policy or adversely impact other County operations.

#### 6. Advisory Boards and Commissions—Advocacy Activities

Some departments/agencies work directly with and coordinate activities with an advisory board, or commission. If the advisory board or commission wishes for the Board of Supervisors to take a position on a measure, the chair of the advisory board or commission must work through their department/agency staff liaison to bring the matter to the attention of the County Administrator's Office for review and action. The County Administrator's Office will determine if there is County-adopted policy or position to take action or if the measure needs to be brought to the Board of Supervisors for action.

Advisory boards or commissions *that are state or federally mandated*, shown on Attachment A, may engage in legislation position development and advocacy according to the following procedures:

- a. Positions may be taken only insofar as they are not inconsistent with Board-adopted policies or positions. Staff of the mandated advisory board or commission must review the position for consistency with the County's adopted *Platforms* and advise the advisory board or commission if an inconsistency exists; and

- b. Positions of the mandated advisory body or commission must be communicated in a manner that clearly states through the use of a disclaimer/disclosure on any stationery and in the body of the letter that the advisory body is advisory to the Board of Supervisors and that any comments, recommendations, opinions, and positions made by the board or commission or its individual members do not represent the official position of the County or any of its officers; and
- c. Position letters must be distributed by the County Administrator's Office, who will include in its distribution the Board of Supervisors and any relevant Board committee.

### **B. Advocacy That Is Not on Behalf of the County**

Nothing in this bulletin shall preclude officers and employees from taking a position different from the formal county position before the Legislature when they are acting in their outside capacities, such as when representing an association of county officers or a recognized employee organization, or when expressing a personal opinion.

Correspondence regarding legislation sent by **independently elected officials** must specify that they are issued in their own capacity and not on behalf of the County or Board of Supervisors.

#### **In all such situations,**

- 1) the officer or employee shall clearly indicate that they are not representing the County but rather some other agency or expressing a personal opinion;
- 2) the officer or employee shall not make representation in any way on behalf of the County;
- 3) Expenses and travel costs incurred will be at their own expense;
- 4) Time taken during working hours may be charged to vacation leave or to leave without pay and shall be subject to approval of the department head in each instance; and
- 5) Notification of the outside group's position to the County Administrator's Office is requested, especially when it may significantly impact the County's programs or operations.

### **VIII. Legislative and Regulatory Activity Coordination**

In collaboration with the legislative advocates and County departments/agencies who may be delegated specific legislative policy areas (e.g., transportation, health care, and sustainability), the County Administrator's Office will coordinate the activities of the County related to legislation and regulation, including:

- A. Developing the *Platforms* for consideration and adoption by the Board of Supervisors.
- B. Serving as the “clearing house” for all official contacts in the name of the County by county officers and employees with state and federal legislators and officials. Official contacts on behalf of the County include:
1. Communication with legislators and administrative officials on legislative and regulatory matters. Unless specifically designated to Department staff by the County Administrator, correspondence emanating from the County will be transmitted via the County Administrator’s Office and distributed via the County’s state and federal legislative advocates.
  2. Participation with legislators and administrative officials in drafting of bills, policies, and regulations which affect Contra Costa County.
  3. Appearances to speak for Contra Costa County before legislative or congressional committees, including regular and interim committee hearings, special study commissions, and administrative hearings.
- C. *Providing Reports to the Board and Staff Support to the Legislation Committee.*  
The County Administrator’s Office will track the progress of and maintain a list of all bills and measures on which the Board of Supervisors has adopted a formal position. This list will be maintained on the County Administrator’s webpage. The County Administrator’s Office will also provide staff support to the Board of Supervisors’ Legislation Committee.
- D. *Coordinating State Lobbying Activity Reporting.* As required by state law, lobbying activity undertaken by County officials and employees must be reported on a quarterly basis. CAO staff will distribute to all departments/agencies electronic lobbying activity questionnaires on a quarterly basis for submittal.

“Lobbying” includes meeting with state legislators, agency officials and their staffs -- whether in person, by telephone, by email, or in writing -- on pending bills or regulations; working with the organization's registered lobbyist; monitoring pending bills or regulations; working with other companies, trade associations or community groups on state issues; developing grassroots lobbying pieces; ex parte contacts with regulatory agency officials; etc. “Lobbying” does not include working on state contracts, permits, or licenses; providing purely technical or ministerial information to state officials; or working on city, county or federal issues.

## IX. Expense Reimbursement

Expense reimbursement, in accordance with the County expense reimbursement policy, is authorized when personnel must travel on official business in support of legislation, such as when representing the official position of the County or the official position of an association of county officials of which they are a member, (e.g., the County Auditors or County Clerks Association).

**X. Application of Rules and Procedures**

The rules and procedures as set forth in this bulletin shall apply to testimony and correspondence presented to regular and interim committees of the Legislature, as well as to testimony and correspondence presented to any special study commissions.

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Monica Nino  
County Administrator

Originating Department: County Administrator's Office

## **DISCUSSION:**

The amendment would clarify that state or federally mandated advisory boards or commissions may engage in legislation position development and advocacy according to the following protocol:

- **Positions may be taken only insofar as they are not inconsistent with Board-adopted policies or positions; Staff of the mandated advisory body must review the position recommendation for consistency with the Board-adopted State/Federal Platforms and advise the board/commission if an inconsistency exists; and**
- **Positions must be consistent with an adopted advisory body platform that is included in the Board-adopted State and Federal legislative platforms; and**
- **Positions must be communicated in a manner that clearly states through the use of a disclaimer/disclosure on any stationery and in the body of the letter that the advisory board or commission is advisory to the Board of Supervisors and that any comments, recommendations, opinions, and positions made by the board or commission or its individual members do not represent the official position of the County or any of its officers; and**
- **Position letters must be distributed by the CAO's staff, who will include in its distribution the Board of Supervisors and any relevant Board committee.**

With this amendment to the Board-adopted protocol on position development and advocacy for advisory boards or commissions that are state or federally mandated, these boards or commissions can continue to perform their advocacy efforts in a manner that is consistent with the positions and priorities of the Board of Supervisors and not purporting to represent the positions of the Board of Supervisors or its members.

The state and/or federally mandated advisory bodies to which this protocol would apply include:

1	<b>Advisory Council on Aging, Contra Costa County</b>
2	<b>Airport Land Use Commission</b>
3	<b>Assessment Appeals Board</b>
4	<b>CCC Law Library Board of Trustees</b>
5	<b>Economic Opportunity Council</b>
6	<b>First 5 Contra Costa Children &amp; Families Commission</b>
7	<b>In-Home Supportive Services Authority Advisory Committee</b>
8	<b>Local Child Care &amp; Development Planning Council</b>
9	<b>Mental Health Commission, Contra Costa County</b>
10	<b>Merit Board</b>
11	<b>Relocation Appeals Board of Contra Costa County</b>
12	<b>Workforce Development Board</b>

With regard to the County's requirements in state law for reporting lobbying or advocacy activities of advisory body members or staff to those advisory bodies/commissions, staff reviewed the matter with its state lobbyist, Nielsen Merksamer. An attorney for the firm provided the following information:

California Government Code 86116 provides that "Every person described in Section 86115 shall file periodic reports containing the following information: . . .

(h) (1) Except as set forth in paragraph (2), the total of all other payments to influence legislative or administrative action including overhead expenses and **all payments to employees who spend 10 percent or more of their compensated time in any one month in activities related to influencing legislative or administrative action.**"