



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of March 13, 2018

TO: Members of the City Council

SUBMITTED BY: David Biggs, City Manager

SUBJECT: Legislative Policies and Processes

RECOMMENDATION: Receive Report, Discuss, and Provide Direction, if any.

COMMISSION/SUBCOMMITTEE ACTION AND RECOMMENDATION: Not applicable.

FISCAL IMPACT OF RECOMMENDATION: None as a result of this item.

DISCUSSION: The City of Hercules may desire to take positions on pending legislation or may receive requests to do so from a variety of sources, including the League of California Cities, of which the City is an active member. In addition, the City sometimes receives requests from other agencies and outside organizations to take a position on a matter, often through the adoption of a resolution. The City's extremely limited resources and staffing result in a very constrained level of involvement in legislation, hampering responses to requests for support. Historically, the City of Hercules has only taken positions on matters of extreme local importance or impact, and this has only been by the matter being considered by the City Council as a whole in order to express an official position of the City. Alternatively, individual City Council Members have authored letters supporting or opposing legislation using City letterhead in their individual capacity, and then only with language that notes the correspondence does not reflect the position of the City as a whole.

Recently the City Council asked staff to return with an item to discuss the City's legislative policies and processes, and how other types of requests should be handled. This item is designed to allow the City Council to review our current practices and to perhaps make modifications.

Background

Many cities adopt an annual legislative platform which guides when and how a position will be taken, including "pre-approval" for letters to be sent on behalf of the City to support or oppose legislation consistent with the adopted platform, often without further action by the City Council.

Most often, these letters are sent in response to requests by the League of California Cities. The City of Hercules is a member of the League and the League has staff dedicated to monitoring and analyzing legislation of interest to cities, lobbying members of legislature, and keeping League members informed. The League has adopted Policies & Guiding Principles which guide its legislative activities. The 2016 Summary of Existing Policies & Guiding Principles for the League is attached for reference (Attachment 1).

In addition, the League also adopts key strategic goals each year which also serve to guide their legislative priorities and the 2018 goals are set forth below:

2018 League of California Cities Strategic Goals

1. Address Public Safety Concerns of California Cities.

Address public safety concerns arising from recently enacted reduced sentencing laws.

Protect local funding and authority in the implementation of the Adult Use of Marijuana Act.

Continue to preserve city rights to deliver emergency medical services (Health and Safety Code 1797.201).

Seek additional tools and resources to address critical community challenges such as homelessness, mental health, domestic violence, drug rehabilitation, ex-offender reentry, and human trafficking.

2. Ensure Sustainability of Public Pension and Retirement Health Benefits.

Consistent with the League's adopted pension sustainability principles, work with affected stakeholders, employees, CalPERS, legislators and the Governor to achieve meaningful options for cities to address growing unfunded pension liabilities that will ensure cities remain solvent and provide services to residents while continuing to offer employees meaningful and sustainable pension and health benefits.

3. Protect Existing Transportation Funding for Local Priorities.

Protect existing transportation funding for local priorities and oppose efforts that would reduce or eliminate funding for cities.

4. Improve Housing Affordability and Support Additional Resources to Address the Homelessness Crisis.

Increase state and federal financial support and provide additional local incentives and tools to improve housing affordability and develop more workforce and affordable housing. Support additional resources and tools to address the homelessness crisis and advance the recommendations of the CSAC-League Homelessness Task Force.

Throughout the year, staff and City Council Members regularly receive updates from the League and their Regional Public Affairs Managers. Action Alerts are sent which identify important legislation and which request that League members take positions in support or opposition to specific legislation consistent with the Existing Policies & Guiding Principles and the adopted Strategic Goals. For example, the City recently received an action alert requesting opposition to the SB 847 (Weiner) which would seriously undermine local control as it relates to housing development close to transportation hubs and routes. In this instance, City Council Members were

provided with the opportunity to individually express their opposition to the measure, and some members did send a letter.

As the legislative process sometimes moves very quickly, there is often not time to have the City Council consider a position on specific legislation in a timely manner, in addition to our resource constraints.

This is not the same for requests from other agencies or outside organizations where often the issues are not specific to Hercules or are at more of a global level. Generally, these requests have not been acted upon given resource constraints and no direct linkage to Hercules. In those instances where it is of local importance, the matter has been specifically agendaized for consideration by the City Council, though these occurrences have been relatively rare.

Possible Alternatives

City staff did a scan of legislative platforms, policies and processes, in order to develop some alternatives for the City Council to consider. The City of Hercules is, unfortunately, not in a position to adopt a robust, multifaceted, and comprehensive legislative platform as seen in many communities with more staff resources. While certainly not the full universe of options, the City Council could adopt a framework to enhance the participation in the legislative process as described below:

Approve a Broad Legislative & Regulatory Platform

This platform should reflect the City Council's goals and priorities as well as its position on issues that are currently, or are anticipated to be, the focus of future legislation and regulation at the state and federal levels. The adoption of a platform, unless amended in the future, would authorize the City's active participation to influence state and federal decision-making on legislative, administrative, regulatory, and funding issues, and would permit judicial advocacy consistent with the City's priorities and platform.

Advocacy

Using the Broad Legislative & Regulatory Platform as a guide, the City may take positions on specific legislation, regulations, and budget proposals, and respond to requests for amicus curiae support when the outcome of a pending lawsuit is likely to significantly affect a City priority and which is consistent with the platform.

Relying primarily on information received from the League of California Cities, the City Manager would identify issues of priority and will prepare a letter for the Mayor to sign in support or opposition based on the City's identified interests. The Mayor, Council Members, and City staff will advance City interests through individual and regional advocacy efforts, and the Mayor will act on requests from the City Attorney to join in friend-of-the court briefs.

Issues which fall outside of the Broad Legislative & Regulatory Platform, or matters to which the City Manager, City Attorney, or Mayor object, would require consideration of the City Council as a whole prior to a City position being communicated.

The Mayor and City Council Members may take individual positions and may communicate those positions to others using City letterhead as long as the letter clearly indicates it is an individual position and does not reflect the official position of the City or City Council.

Process

City staff will work collaboratively with our federal and state representatives, the League of California Cities, and other professional organizations and groups with which we share a community of interest to understand and develop strategies to influence legislation. This will include identifying funding resources and grants for projects. Council Members and City staff will participate in organizations such as The League of California Cities, the West Contra Costa Mayors & Supervisors Association, the Contra Costa Transportation Authority, the Bayfront Chamber of Commerce, and other groups that weigh in on issues that are important to the City. This will allow the City to have a stronger voice and a greater potential to influence key policy and legislative matters.

Should the City Council desire to engage at a higher level in regard to legislation as outlined above, an initial Broad Legislative & Regulatory Platform such as the one set forth below could be adopted as a starting point:

Broad Legislative & Regulatory Platform

1. The City of Hercules believes in local control and the ability of the City Council to make decisions that address the needs of residents and businesses within its jurisdiction. In general, the City of Hercules will oppose legislation that erodes local control and will support legislation that increases local control.
2. The City of Hercules also believes in fiscal responsibility and requires financial flexibility and sustainability to carry out its mission and objectives for the community. The City will oppose legislation that hinders financial flexibility and sustainability, and will support legislation that encourages financial flexibility and sustainability.
3. Oppose legislation that is an unfunded mandate and which would require the City to provide a service or benefit without appropriate and full funding.
4. Oppose legislation that would negatively impact City revenues including but not limited to sales tax, property tax, other General Fund revenues and enterprise fund revenues.
5. Support legislation that protects and maintains City sales and other tax revenues and oppose legislation that erodes this revenue.
6. Support legislation and programs which would provide possible funding for City Capital Improvement needs and projects such as the Hercules Regional Intermodal Transportation Center.
7. Support transportation initiatives that would address traffic congestion and gridlock on Bay Area roadways, especially Interstate 80, including expansion of bus, rail, and ferry services.
8. Support the Legislative Platform of the League of California Cities and specific calls for action to the extent they align with the City's legislative and regulatory platform.

8. Support legislation and programs which would assist in the achievement of the City's 2017 Strategic Plan Goals, Strategies, and Objectives.

The City Council's review of this report and discussion can assist in clarifying the manner in which the City can respond to legislation and requests for positions.

ATTACHMENTS:

1. League 2016 Summary of Existing Policies & Guiding Principles