



**MONTEREY COUNTY  
LEGISLATIVE COMMITTEE  
ROLE & RESPONSIBILITIES**

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**LEGISLATIVE AFFAIRS PROGRAM  
POLICIES GOVERNING LEGISLATIVE ACTIVITIES**

## **LEGISLATIVE COMMITTEE ROLE AND RESPONSIBILITIES**

### **COMMITTEE ROLE:**

To review and make recommendations to the Board of Supervisors positions on legislative issues impacting Monterey County; to annually recommend a Legislative Program including state and federal legislative priorities to the Board of Supervisors; and to direct the legislative activities of the Legislative Committee staff, County departments, and County legislative advocates.

### **COMMITTEE RESPONSIBILITIES:**

1. Develop with the assistance of County department heads, the annual Legislative Program including State and Federal legislative priority items.
2. Review and monitor legislation and make recommendations on County positions to the Board of Supervisors.
3. Advocate the Board-approved positions on legislative items on behalf of the County in the state and federal capitols.
4. Coordinate the County's legislative advocacy efforts among departments and between department heads and the Board of Supervisors.
5. Ensure that the County's position on legislative issues is the official position of the Board of Supervisors.
6. Meet on an as-needed basis, normally once a month, to review and provide direction or recommendations on legislative issues to County staff, departments, and legislative advocates.
7. Arrange periodic meetings between the Board of Supervisors and state and federal elected officials.
8. Work closely with the County Administrative Office – Intergovernmental and Legislative Affairs Division on all legislative issues, including but not limited to reviewing, tracking, researching, and developing position recommendations on legislative issues, preparing Board Reports, notifying affected departments and legislators of County positions, preparing correspondence and presentations, arranging for testimony and assuring appropriate follow-up.

# **MONTEREY COUNTY LEGISLATIVE AFFAIRS PROGRAM**

## **POLICIES GOVERNING LEGISLATIVE ACTIVITIES**

The County of Monterey recognizes the need to advocate for its interests in Sacramento and Washington D.C. The Board of Supervisors annually sets forth its legislative agenda, which is executed by the County Administrative Office – Intergovernmental & Legislative Affairs Division (IGLA) with the assistance of the County’s state and federal legislative advocates. To this end, the following protocol shall be followed:

### **I. BOARD OF SUPERVISORS**

- a. As the elected legislative body charged with making policy decisions for the County of Monterey, the Board of Supervisors shall direct the County’s legislative efforts.
- b. The Board of Supervisors shall annually adopt a Legislative Platform, which shall direct the County’s legislative efforts for that calendar year.
- c. Any member of the Board of Supervisors may refer items to the Board’s Legislative Committee for review and recommendation to the Board of Supervisors. Referred items shall be sent to IGLA staff. IGLA staff shall obtain the approval of the Legislative Committee Chair prior to adding referred items to a meeting agenda.
- d. Members of the Board of Supervisors may, as individual members, publicly state their position on issues – but may not state that their position is the position of the Board of Supervisors or the County of Monterey unless the issue is included in the legislative platform for that year, or has come before the Board of Supervisors and received approval by a majority of the Board.
- e. The Board of Supervisors may consider taking positions on ballot initiatives only when such initiatives have qualified for placement on the ballot, and upon review and recommendation by the Board’s Legislative Committee.
- f. The Board of Supervisors shall annually appoint members of the Board to serve as “director” and “alternate” to the California State Association of Counties (CSAC) Board of Directors.
  - i. As the representative of Monterey County, the “director” or “alternate” serving on the CSAC Board of Directors shall render votes on issues in a manner consistent with the County’s Legislative Platform or subsequent majority action by the Board of Supervisors.
  - ii. Issues of significant interest to Monterey County that are not addressed by the Legislative Platform or subsequent majority action by the Board of Supervisors shall, if time permits, be reviewed for recommendation by the Board’s Legislative Committee, or if time is of the essence, be sent directly to the Board for consideration.
  - iii. The CSAC “director” or “alternate” shall report actions taken at the CSAC Board of Directors meeting to the Board’s Legislative Committee.

**II. COUNTY ADMINISTRATIVE OFFICE – INTERGOVERNMENTAL & LEGISLATIVE AFFAIRS DIVISION (IGLA) – LEGISLATIVE AFFAIRS PROGRAM**

**a. OVERVIEW**

- i. The IGLA Division serves as staff to the Board of Supervisors Legislative Committee and executes the County’s legislative program. IGLA staff is the independent legislative analyst for the Board of Supervisors. IGLA staff serves under the policy direction of the Board of Supervisors, but reports to the County Administrative Officer.
- ii. IGLA has responsibility to identify and monitor state and federal bills of interest to the County of Monterey, and to attempts to influence the legislative process in coordination with County departments and the County’s legislative advocates.
- iii. IGLA administers the contracts and directs the lobbying efforts of the County’s state and federal legislative advocates.
- iv. IGLA provides the primary communication link between the Board of Supervisors, County departments, and the County’s state and federal legislative advocates regarding the County’s legislative objectives.

**b. BOARD DIRECTION**

- i. IGLA direction is provided by the Board of Supervisors annually adopted legislative platform and subsequent Board direction.
- ii. IGLA shall seek authorization from the Board of Supervisors prior to acting on items not included in the legislative platform.

**c. LEGISLATIVE ADVOCACY**

- i. Legislative tracking: IGLA shall identify bills of interest to the County and maintain a list of bills being monitored, the bill status, and actions taken.
- ii. Bill analysis: IGLA shall, in coordination with departmental experts, analyze bills that have potential impact to the County of Monterey.
- iii. Correspondence/Lobbying: IGLA shall attempt to impact legislative outcomes through correspondence or lobbying as directed by the Board of Supervisors. IGLA shall provide Board offices with copies of all correspondence related to the County legislative efforts.
- iv. Testimony: IGLA shall, in coordination with department experts, members of the Board of Supervisors, and the County’s legislative advocates, provide testimony as appropriate.
- v. Grants: IGLA shall, at the request of a Department Head, solicit support from federal and state legislators and others as appropriate for high priority County grant applications.

### **III. COUNTY DEPARTMENTS**

#### **a. OVERVIEW**

- i. County departments shall not take actions that are in conflict with the Board of Supervisors legislative platform or legislative policies.
- ii. County departments shall make the Board of Supervisors aware of all actions they intend to take with respect to legislative issues by informing the IGLA staff.
- iii. County departments shall alert IGLA staff of legislation introduced that will have an impact on their department.
- iv. County departments shall inform the Board of Supervisors through IGLA staff of any contract legislative advocates hired.
- v. County departments may take positions on non-legislative matters that affect the operations (procedural/technical) of their departments without authorization by the Board of Supervisors.
- vi. County departments shall report to the Board of Supervisors Legislative Committee all legislative activities.

#### **b. WRITTEN CORRESPONDENCE POLICY FOR COUNTY DEPARTMENTS**

- i. County departments may, under the department head's signature, transmit letters on legislation if the issue is covered by the adopted Board of Supervisors legislative platform, or subsequent directive by the Board, and shall copy IGLA staff on all such correspondence for distribution to the Board Members and County legislative advocates.
- ii. Elected officials may as individuals, or on behalf of their department, transmit letters or make public their position on legislative issues. They shall not state their position as being that of the County of Monterey unless it is included in the Board of Supervisors legislative platform. Elected officials are requested to copy IGLA staff on all such correspondence for distribution to the Board Members and County legislative advocates.

#### **c. TESTIMONY**

- i. County departments shall inform the Board of Supervisors if they are providing testimony on legislative matters by informing the IGLA staff.

#### **d. MEETINGS**

- i. County departments shall inform the Board of Supervisors if they are meeting with the County's legislative advocates, legislators, and/or legislative or committee staff by informing the IGLA staff.

e. **GRANTS**

- i. County department heads shall contact IGLA staff to solicit appropriate support from federal and state legislators and others as appropriate for high priority County grant applications prior their submission.

f. **SEEKING COUNTY SPONSORED LEGISLATION**

- i. County departments shall submit legislative proposals, including department analysis, to IGLA staff for appropriate scheduling for review and recommendation by the Board of Supervisors Legislative Committee

g. **SEEKING COUNTY ACTION ON A BILL**

- i. County departments shall notify IGLA staff to schedule with the Legislative Committee proposed legislative actions or positions.

**IV. LEGISLATIVE ADVOCACY BY COUNTY ADVISORY BOARDS AND COMMISSIONS**

- a. Advisory boards and commissions of the Board of Supervisors shall make legislative recommendations through their respective County department staff.
- b. Advisory boards and commissions of the Board of Supervisors shall provide copies of all correspondence they initiate on legislative items to the Board of Supervisors by providing copies to IGLA staff.
- c. All legislative actions of advisory boards and commissions of the Board of Supervisors shall be in alignment with the Board of Supervisors legislative platform.

**V. DEVELOPMENT OF THE BOARD OF SUPERVISORS ANNUAL LEGISLATIVE PLATFORM**

**a. PROCESS FOR DEVELOPING ANNUAL LEGISLATIVE PLATFORM**

- i. In late summer/early fall IGLA staff shall begin the process of development of the legislative platform for the next calendar year. IGLA shall solicit input from County departments. All legislative and budget proposals shall be vetted through the Board of Supervisors Legislative Committee.
  - ii. The Board of Supervisors Legislative Committee shall review and recommend to the Board of Supervisors a legislative platform for the next calendar year in late November/early December.
- b. IGLA staff shall distribute the County's adopted legislative documents to the Board of Supervisors, County departments, legislative advocates, and legislators. The documents shall also be posted on the County of Monterey's internet website.

**ATTACHMENTS:**

- 1) 10/4/10 CAO Memo: Guidelines Regarding Campaigning & Political Activity
- 2) 10/4/10 CAO Memo: Additional Guidelines Regarding Campaigning and Political Activity
- 3) 5/7/07 County Counsel Memo: Paying for a Legislator's Meals



**COUNTY ADMINISTRATIVE OFFICE  
MONTEREY COUNTY**

## MEMORANDUM

**DATE:** October 4, 2010

**TO:** All County Employees

**FROM:** Lew C. Bauman  
County Administrative Officer

**SUBJECT:** Guidelines Regarding Campaigning & Political Activity

As election season again approaches, I want to take the opportunity to send out our annual reminder to employees to respect State and local laws limiting political activity in the workplace. As noted in prior years, none of us gives up our constitutional rights by joining County service, however, we must observe laws designed to ensure the appropriate use of the public resources with which we are entrusted.

California law prohibits the use of public funds to campaign for or against a candidate or ballot measure. "Public funds" includes the use of public employees' paid time, as well as all other County resources (e.g., facilities, cars, telephones, copiers, fax machines, computers, e-mail systems, and supplies). State law also specifically precludes local agency employees from participating in political activities of any kind while in uniform. Exercising their authority under State law, the Board of Supervisors has established local regulations, which restrict both campaigning during working hours and campaigning on County premises. Those regulations are contained in Chapter 11.53 of the Monterey County Code.

So as not to interfere with individual rights, restrictions on public employees' political activity are strictly limited to: (1) conduct during work hours, (2) the use of County property/premises, and (3) conduct while in uniform. No State or local laws should be interpreted as restricting a public employee's participation in lawful political activity, which does not involve any of those three elements. In keeping with our focus on customer service, nothing prohibits a County employee at any time from providing public records, objective, unbiased and balanced factual information in response to a citizen's inquiry regarding a ballot measure.

First Amendment rights to free expression are not sacrificed upon assuming public employment with the County. Staff, on personal time, may sign their name to letters, newspaper editorials, or other written documents that advocate political positions. However, to avoid risk of confusion that the name listed in support of a political issue represents an official position of the County, any statement should clearly indicate that it is the individual's personal view and should not be on County letterhead, or otherwise be represented as an official County endorsement. Careful judgment should be exercised depending upon the circumstances and the employee's position. Official County editorials, press releases, or official statements should be coordinated with Maia Carroll, Public Information Officer (796-3092).

Public employees have many ways to exercise their right to promote or oppose candidates and ballot measures. The key is not to use the public's time, money, or other resources to do so.

We appreciate your continued compliance for the upcoming November 2<sup>nd</sup> election event.



**COUNTY ADMINISTRATIVE OFFICE  
COUNTY OF MONTEREY**

**MEMORANDUM**

**DATE:** October 4, 2010  
**TO:** All County Employees  
**FROM:** Lew C. Bauman  
County Administrative Officer  
**SUBJECT:** Additional Guidelines Regarding Campaigning and Political Activity

This memorandum provides further guidance with respect to the wearing of campaign and other political badges or buttons and the display of campaign and other political bumper stickers on County property.

Because each individual case must be determined on its own particular facts, the following is intended to be a set of guidelines only.

While on County property, County employees may:

- Wear campaign and other political badges or buttons during nonworking hours.
- Wear campaign and other political badges or buttons during working hours, except in the limited circumstance where the views expressed by the campaign badge or button may be attributed to the County.
- Display campaign and other political bumper stickers on their personal vehicles.

County employees may not:

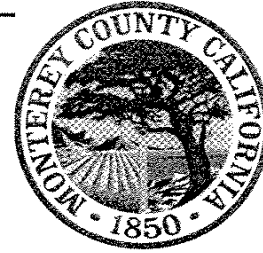
- Wear campaign and other political buttons while wearing a uniform identifying his or her office or position with the County, whether on or off County property.
- Affix campaign and other political bumper stickers on County vehicles.

This policy is not intended to apply to collective bargaining activities.

Public employees have many ways to exercise their right to promote or oppose candidates and ballot measures. The key is not to use the public's time, money, or other resources to do so.

We appreciate your continued compliance with the County's guidelines regarding campaigning and political activity for the upcoming November election event.





# MEMORANDUM

OFFICE OF THE COUNTY COUNSEL  
COUNTY OF MONTEREY

**DATE:** May 16, 2007  
**TO:** Members of the Board of Supervisors and Department Heads  
**FROM:** Charles J. McKee, County Counsel  
**RE:** Paying for a Legislator's Meals

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**Issue:** Every Year I am asked a similar question: Can I be reimbursed for the cost of a meal when meeting with a legislator or their aide if we discussed County Business?

**CONCLUSION:** No. Such reimbursements are not proper charges against the County.

**DISCUSSION:** As a general law county, we are only authorized to do what is specified in State law or reasonably inferred there from. California Constitution Art. 11, sec. 1(b). The California Constitution authorizes compensation for County officers In general and California Government Code section 50023 authorizes reimbursement of County expenses for attending meetings with legislators for lobbying purposes. Since Government Code section 50023 allows for reimbursement of actual cost to a County employee for lobbying legislators, one would reasonably think that the cost of the legislator's meals would also qualify as a "reasonably inferred" cost. However, according to the California Attorney General, reimbursement for legislator's meals is not a valid cost because it is not "incident" to the lobbying effort. In other words, County officers can convey the information necessary to affect legislation without buying the meals and therefore it is not reasonably inferred from the lobbying reimbursement statute (section 50023) that legislator's meals should be a proper cost to the County. 66 Ops. Cal. Atty Gen. 186 and 85 Ops. Cal. Atty. Gen. 210. Although an opinion of the Attorney General is not binding on the County, it does carry great weight in Court and therefore we recommend it be followed.

If you have any questions, please contact me or your department representative in my Office.

  
CHARLES J. McKEE