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# California Association of Local Agency Formation Commissions

## LEGISLATIVE COMMITTEE GUIDELINES

**TITLE:** Legislative Committee Guidelines: Adopting Positions on Legislation and Propositions

**GUIDELINE NUMBER:** 2014-001

**LAST UPDATED:** December 14, 2018

**SECTION I.** The California Association of Local Agency Formation Commissions (CALAFCO) represents the interests of the 58 Commissions statewide which implement the Cortese-Knox-Hertzberg Act and other laws within the State of California. Consistent with CALAFCO Policy 4.5, or other direction, the CALAFCO Legislative Committee (Committee), as appointed by the CALAFCO Board of Directors (Board), and in accordance with policy direction of the Board, plays a key role in reviewing proposed legislation, developing priorities and positions on legislation introduced in the State Legislature, making recommendations on legislation and/or statewide propositions, and/or reviewing and commenting on regulations issued by state or other agencies.

### **SECTION II. Purpose:**

Within the parameters of the most recently adopted Board legislative policies and priorities, the Committee is charged with reviewing proposed legislation during the legislative session and considering proposals for new legislation where it appears needed to carry out the direction of LAFCo as enacted in the Government Code and other statutes. The Committee meets regularly to consider legislation, make legislative proposals, and take positions where deemed appropriate. When considered important, positions may be taken on proposed legislation and/or statewide propositions, and comments may be provided to legislators or stakeholders to explain the position taken by CALAFCO. Testimony in writing or in person may be presented on behalf of CALAFCO by the staff or representatives of the Association as needed. The purpose of these Guidelines is to provide the framework for the Committee's review of proposed legislation, propositions and/or regulations, as well as for adopting positions on such proposals. At the beginning of each legislative session, the Committee shall review these Guidelines and amend as necessary.

### **SECTION III. Process:**

Newly introduced or identified legislation is to be reviewed by the CALAFCO Executive Director (Committee Chair) or designee, as it is introduced or brought to his or her attention.

Anyone who wishes to submit legislative proposals shall use the CALAFCO Legislative Proposal Request Form. Bills that are of interest to CALAFCO in accordance with the Board's adopted Legislative Policies will be presented to the Committee for review and possible action/ recommendation to the Board. Committee members and CALAFCO members are encouraged to bring to the Committee's attention additional bills they believe to be relevant to CALAFCO's Legislative Policies or its members.

The steps in acting on proposed legislative bills or issues are generally outlined as follows:

1. The Executive Director notifies the Committee of a bill or issue and provides a copy and any background information. A preliminary priority is assigned for consideration of available resources until the Committee has had an opportunity to meet and discuss the item. If a bill or issue warrants a timely response from the Committee, input by email may be requested.
2. The Committee will consider the bill or issue and its position on the item and will assign a priority and position as outlined in these Guidelines. All Committee decisions are determined by a majority of members participating in review of the bill or issue as long as a quorum of Board members serving on the Committee participates in the decision process. If a majority of Committee members participating cannot agree on a position, the issue shall be forwarded to the Board for its consideration and action. The Executive Director may poll the Committee by email or present the issue to the Board if a meeting of the Committee is not possible within the applicable timeframe and the issue is deemed important, or upon request of a Committee member or legislator or important party, such as the bill sponsor.
3. In time sensitive situations or in the absence of a timely meeting by the Committee or Board, the Executive Director may take a position or change a previously taken position on a bill with concurrence of the Board Chair or Vice Chair. The Committee and Board shall be informed of such an action as soon as practically possible to ensure that the Committee and Board have up to date information on CALAFCO legislative positions. Such decisions should be made only when deemed necessary due to urgent issues or circumstances and when insufficient time exists to obtain formal consideration and a vote of the Committee and/or Board.
4. Positions on legislation and priorities may change throughout the legislative year or when amendments or policy positions are changed by sponsors or stakeholders. The Committee will be updated on the status of bills, usually by email or on the CALAFCO website, and may change a position on a bill if the circumstances or priority warrant such an action.
5. For controversial bills, (such as bills objected to by a majority of Committee members from at least one Region of the Association or bills for which the vote on a position was split) the issue shall be presented to the Board for direction and/or final decision.
6. CALAFCO may sponsor a bill when an issue or proposal is of priority or direct concern to CALAFCO and a change in the law is desired by CALAFCO. Sponsoring a bill requires substantial resources of time and involvement of CALAFCO staff and members. The process involves close interaction with a legislator and staff of legislative committees. Board approval is required for CALAFCO to sponsor a bill.

#### **SECTION IV. Propositions:**

If a proposed statewide proposition is identified, and is of interest to CALAFCO members, the Executive Director shall present it to the Committee for review and determination of a position, if deemed appropriate. CALAFCO will generally not take a position on a proposition unless it will have a direct impact on the mission and purpose of CALAFCO or its LAFCo members.

The Committee shall forward a recommendation of a position taken on any proposition to the Board, which shall review and make the final decision on taking a position on a proposition, taking into consideration the recommendation of the Committee.

## SECTION V. Formal Positions on Legislation:

The Committee shall identify and review the issues presented by a proposed bill and consider taking a formal position where deemed appropriate. The positions and resource priority categories are:

Position	Category Description
Support	A position given to bills or propositions that the Committee believes are consistent with or would further CALAFCO policy positions or implementation of the Cortese-Knox-Hertzberg Act; benefits the membership of CALAFCO, and/or reflects good governance principles as public policy.
Neutral	A position given to bills that have no direct impact upon CALAFCO members or have been sufficiently amended to remove CALAFCO's support or opposition, but the sponsor and/or author requests a position from CALAFCO.
Watch	A position given to bills of interest to CALAFCO or its members but do not directly affect CALAFCO at that time, including spot bills or two-year bills where the author has indicated the bill will be amended or the subject area may change to not impact CALAFCO or its members (also known as gut and amend bills). These bills will be tracked but do not warrant taking a position at that time.
Oppose	A position given to bills or propositions the Committee believes are detrimental to the policy positions of CALAFCO or its members or to good governance principles as public policy.
Support Unless Amended or Oppose Unless Amended	A position given to bills for which a support or oppose position could be taken if amendments were made to address identified concerns of the Committee and/or Board. This may include changing a previously stated CALAFCO position. These positions can be changed by the Executive Director if identified amendments have been accepted and are either "pending" (e.g., the author has accepted or the Executive Director has seen legislative counsel mock-up) or are in print. Timeliness is usually important in responding to requests on these types of bills.
No Position	A position given to bills that either are of interest to or have an impact on CALAFCO or its members for which no adopted position is possible and for which there is a clear lack of consensus among the membership on the appropriate position. This may include situations in which a substantive number of member LAFcos have divergent positions or policy issues of concern with proposed legislation and no final consensus position is possible.

## SECTION VI. Establishing Resource Priorities on Bills or Propositions

The time and resources of CALAFCO are limited. In other words, as a non-profit association, CALAFCO can expend or allocate only a limited amount of effort and budget to legislative activities. Therefore, resource priorities may be assigned on legislative issues or bills to guide the activities of CALAFCO staff, Committee and Board.

Member representatives may be called upon to write letters or testify on bills as determined beneficial by the Executive Director, Committee or Board.

Resource Priority Level	Level Description
Priority 1	Bills have major importance and a direct impact on CALAFCO or its members statewide. These bills receive primary attention and comprehensive advocacy by the Executive Director and Committee. Such advocacy may include letters of position, testimony in policy committees, direct communications with legislators, and grassroots mobilization to members and any combination of effort. This level requires the most resource commitment.
Priority 2	Bills have a significant impact on or are of interest to CALAFCO or its members; may set a policy precedent or have impact relevant to the mission of CALAFCO or its member LAFcos, or have a major importance to a CALAFCO member or group of members or constituents. These bills receive position letters and testimony to policy committees as time permits or upon request of the author or sponsor.
Priority 3	Bills have an interest to CALAFCO or members and a substantive effect but are deemed to be of a lower priority as to time and effort resources for advocacy. If requested by a CALAFCO member or stakeholder, CALAFCO will send a position letter but will not testify unless unusual circumstances arise and if time allows, so as to not conflict with other higher priorities. Minimal resources will be committed to Priority 3 bills.

From time to time, impacts of and priorities on bills and issues may change. The Executive Director is empowered to use her/his discretion in evaluating such circumstances and, where applicable, if time is of the essence, may change position or priority on a bill when considered in the best interest of CALAFCO and consistent with adopted policy. Such action, including a description of the circumstances that led to the change, shall be communicated to the Committee and Board as soon as possible after such an action is taken. When timing allows a delay in considering a change of impact or priority on a bill or issue, the Executive Director shall obtain the input and action of the Committee.

## SECTION VII. Definitions

**Author:** A member of the Legislature who introduces a legislative measure (bill).

**Author/Sponsor:** Legislator who is authoring or carrying the bill without a designated sponsor.

**Sponsor:** The private individual, or group who developed a piece of legislation and advocates its passage.