



Midpeninsula Regional
Open Space District

R-18-34
Meeting 18-14
April 11, 2018

AGENDA ITEM 4

AGENDA ITEM

Legislative Action Recommendations

ACTING GENERAL MANAGER'S RECOMMENDATION

Approve the recommended list of legislative actions for the 2018 state legislative session.

SUMMARY

On March 27, 2018, Midpeninsula Regional Open Space District's (District) Governmental Affairs Specialist presented to the Legislative, Funding, and Public Affairs Committee (LFPAC) the District's list of high interest 2018 State Legislation items (Tracking matrix, Attachment 1). This list identifies specific bills that merit follow-up action by the District in 2018. LFPAC asked clarifying questions and provided feedback on the priority bills, and recommended that the Board of Directors consider approving the list as the District's legislative priorities for 2018.

Important Note: Most bills will change over the course of the legislative session. The legislative process is fluid and often fast moving. Based upon its guiding documents – Board Policy 1.11 (Attachment 6) and the Board adopted Legislative Program (Attachment 4) – the Acting General Manager and staff will pursue an appropriate position for each bill and ensure that District interests remain protected.

DISCUSSION

February 16, 2018 was the submittal deadline for new bills by State Assemblymembers and Senators. The District's legislative consultants - Public Policy Advocates (PPA) and Environmental and Energy Consulting (EEC) - reviewed every bill submitted and determined whether it had the potential to affect District interests. Each bill listed was accompanied by a recommended position and priority (See Attachment 2 for the full description of positions and priorities).

Priority definition is as follows:

- **Priority 1:** Bills given a "1" priority have a major importance and directly impact the District, and/or may set a critical precedent. These bills receive active attention by the Public Affairs Department and the affected department. This may include extensive testimony in committee, meetings with the Legislature, discussions with partner organizations, and public/media education, as appropriate.
- **Priority 2:** Bills given a "2" priority have a significant impact on the District and/or set a critical, relevant precedent. The District sends a position letter or signs on to a coalition

letter, and may discuss the item with the Legislature and provide testimony in committee as time permits.

- **Priority 3:** Bills given a “3” priority may have a notable effect on the District, and/or set a meaningful precedent, but are determined to be a lower priority for District resources. Public Affairs Department staff, in collaboration with the appropriate department, may write a position letter on these bills or may sign on to a coalition letter. Committee testimony or discussions with the Legislature may be conducted.

Each bill flagged by PPA and/or EEC was assigned to the appropriate Department for more detailed review. The Department Managers confirmed the bills of high interest, their relative importance, and assigned a recommended position and priority, which is included in Attachment 1. Approximately 230 bills are currently being tracked, though only the highest priority bills (Priority 2) are presented. This year, no bills were deemed Priority 1, as none of them were determined to have a critical impact. In contrast, in 2017 the District sponsored SB 492 (Beall) and SB 793 (Hill). These would have received a Priority 1 status, along with the Park Bond bills AB 18 (Garcia) and SB 5 (DeLeón), which ultimately became Prop 68. As the legislative session progresses, each bill may change (sometimes substantially), which warrants further consideration and disposition concurrent with Board Policy 1.11 (Attachment 6).

FISCAL IMPACT

There are no immediate fiscal impacts associated with Board approval of the legislative recommendations.

BOARD COMMITTEE REVIEW

LFPAC reviewed the submitted list of bills, along with their associated position and priority recommendation, and provided their feedback. This feedback is shown in bold type and incorporated into the Legislative Matrix (Attachment 1).

PUBLIC NOTICE

Public notice was provided as required by the Brown Act. No additional notice is required.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

If approval is given by the Board, the District will begin pursuing the included legislative recommendations for the 2018 state legislative session. The Governmental Affairs Specialist will bring legislative updates and proposals to LFPAC and the full Board throughout the state legislative session as appropriate.

ATTACHMENTS

Attachment 1 – MROSD Legislative Tracking Matrix
Attachment 2 – MROSD Legislation Position and Priorities

Attachment 3 – MROSD Bill Disposition Process

Attachment 4 – MROSD Legislative Program for 2018

Attachment 5 – State Legislative Calendar – 2018

Attachment 6 – Board Policy 1.11 - Positions on Ballot Measures and Legislative Advocacy

Responsible Department Head:

Christine Butterfield, Acting Assistant General Manager

Prepared by:

Joshua Hugg, Governmental Affairs Specialist

DRAFT MROSD Legislative Tracking Matrix

Updated: 3/27/2018

Measure	Author	Category	Topic	Brief Summary	Position	Priority	LFPAC Comments
AB 1945	Garcia, Eduardo D	Climate	California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: investment plan.	Would require the State Air Resources Board to work with state agencies administering grant programs that allocate moneys from the Greenhouse Gas Reduction Fund to add specified cobenefits, to give specified communities preferential points during grant application scoring, and to allow applicants from the Counties of Imperial and San Diego to include daytime population numbers in grant applications.	Watch	2	
SB 1015	Allen D	Climate	California Climate Resiliency Program.	Would establish the California Climate Resiliency Program to increase resiliency to climate change impacts in urban and rural communities throughout the state and to fund the planning and implementation of projects that improve and enhance the climate change resiliency of natural systems, natural and working lands, and developed areas. The bill would require that the program be developed and implemented by the Wildlife Conservation Board.	Support	2	
SB 1401	Wieckowski D	Climate	Climate change: climate adaptation information: clearinghouse.	Current law requires the Office of Planning and Research to coordinate with appropriate entities to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities. The bill would require the office to seek feedback from entities that use the clearinghouse to maximize the efficacy and usefulness of the clearinghouse.	Support	2	

Measure	Author	Category	Topic	Brief Summary	Position	Priority	LFPAC Comments
AB 2534	Limón D	Education	Parks: environmental education: grant program.	Would require the Director of Parks and Recreation, on or before May 1, 2019, to establish the Outdoor Equity Grants Program, to increase the ability of underserved and at-risk populations to participate in outdoor environmental educational experiences at state parks and other public lands where outdoor environmental education programs take place. The bill would require the director to, among other things, give priority for funding to outdoor environmental education programs that primarily provide outreach to and serve students who are eligible for free or reduced-price meals, foster youth, or pupils of limited English proficiency, as provided.	Support	2	
SB 1072	Leyva D	Equity	Regional Climate Collaborative Program: technical assistance.	Would establish the Regional Climate Collaborative Program, to be administered by the Strategic Growth Council, to assist under-resourced communities to access statewide public and other grant moneys, as specified, by establishing regional climate collaboratives, as specified. The bill would authorize the council to award specified grants to collaboratives for specified activities. The bill would authorize moneys from the Greenhouse Gas Reduction Fund to be used to implement the program.	Support	2	Support - important to define "under-resourced communities" and confirm that communities in need within the District qualify.
AB 2916	Grayson D	Finance	Property tax revenue allocations: qualified fire protection districts.	Would, for the 2020–21 to 2024–25 fiscal years, inclusive, require the auditor of a county in which a qualified fire protection district, as defined, is located to increase the total amount of ad valorem property tax revenue that is otherwise required to be allocated to each qualified fire protection district by the fire protection district equity amount, as defined, and to commensurately reduce the total amount of ad valorem property tax revenue otherwise required to be allocated among all other local agencies in the county that are not fire protection districts by the fire protection district equity amount.	Oppose	2	

Measure	Author	Category	Topic	Brief Summary	Position	Priority	LFPAC Comments
AB 3037	Chiu D	Finance	Community Redevelopment Law of 2018.	Current law dissolved redevelopment agencies as of February 1, 2012, and designates successor agencies to act as successor entities to the dissolved redevelopment agencies. This bill, the Community Redevelopment Law of 2018, would authorize a city or county to propose the formation of a redevelopment housing and infrastructure agency by adoption of a resolution of intention that meets specified requirements, and providing that resolution to each affected taxing entity. The bill would require the city or county that adopted that resolution to hold a public hearing on the proposal to consider all written and oral objections to the formation, as well as any recommendations of the affected taxing entities, and would authorize that city or county to adopt a resolution of formation at the conclusion of that hearing.	Watch	2	
AB 1800	Levine D	Fire	Fire insurance: indemnity.	Current law defines the measure of indemnity for a loss under an open fire insurance policy and specifies time limits under which an insured must collect the full replacement cost of the loss. Current law prohibits a fire insurance policy issued or delivered in the state from limiting or denying payment of the replacement cost of property in the event the insured decides to rebuild or replace the property at a location other than the insured premises. This bill would qualify that prohibition by making it applicable in addition to any extended replacement cost coverage purchased by the insured and in addition to any increase in policy limits.	Support	2	

Measure	Author	Category	Topic	Brief Summary	Position	Priority	LFPAC Comments
AB 1954	Patterson R	Fire	Timber harvest plans: exemption: reducing flammable materials.	The Z'berg-Nejedly Forest Practices Act of 1973 authorizes the State Board of Forestry and Fire Protection to exempt from some or all of those provisions of the act a person engaging in specified forest management activities, including a person engaged in forest management whose activities are limited to the cutting or removal of trees on the person's property in compliance with existing laws relating to defensible space, as provided, and requires the board to adopt regulations to implement this exemption no later than January 1, 2016. Current law makes the above exemption inoperative 3 years after the effective date of regulations adopted by the board or no later than January 1, 2019. This bill would delete this inoperative date.	Support	2	
AB 2091	Grayson D	Fire	Fire prevention: prescribed burns.	Would rename the State Board of Forestry and Fire Protection to the State Board of Forestry and Fire Prevention and Protection. The bill would additionally require members to have general knowledge of, interest in, and experience with fire prevention. The bill would require at least one member to be selected with a background and understanding of fire prevention, including prescribed fire. The bill would require the board to appoint a prescribed fire advisory committee, as provided, and would require the board to consult with the advisory committee on development of training, certification, and recertification of prescribed burn managers and organizations.	Support	2	
AB 2120	Quirk D	Fire	Fire: agricultural burning.	Current law requires the State Air Resources Board to promulgate guidelines for the regulation and control of agricultural burning for each of the air basins established by the state board. This bill would require the regulations to include a technical discussion of the likely emissions trade-offs of planned prescribed fire or managed wildfire ignitions, as provided.	Investigate	2	

Measure	Author	Category	Topic	Brief Summary	Position	Priority	LFPAC Comments
AB 2551	Wood D	Fire	Forest and Wildland Health Improvement and Fire Prevention Program.	Would require the Department of Forestry and Fire Prevention to establish, implement, and administer the Forest and Wildland Health Improvement and Fire Prevention Program, which is intended to promote forest and wildland health, restoration, and resilience, and improve fire prevention and preparedness throughout the state. The bill would require the department to take specified actions to improve forest and wildland health and resilience, including evaluating and proposing changes to statewide fire suppression goals and developing fire preparedness and suppression training programs.	Support	2	
AB 2585	Patterson R	Fire	Prescribed burns: burn managers: liability.	Would provide that a property owner and his or her agent conducting a prescribed burn, as defined, shall not be liable for damage or injury caused by fire or smoke, unless negligence is proven, when the prescribed burn meets specified conditions, including that the prescribed burn is conducted under the supervision of a certified prescribed burn manager, as defined, and proper burn permits have been obtained from all appropriate state and local agencies.	Support If Amended	2	
AB 2645	Patterson R	Fire	Greenhouse Gas Reduction Fund: forestry and fire prevention.	Would, beginning in the 2019–20 fiscal year, continuously appropriate \$74,805,000 from the Greenhouse Gas Reduction Fund annually to the Department of Forestry and Fire Protection for purposes of fire prevention activities that reduce greenhouse gas emissions.	Support	2	
SB 1002	Nielsen R	Fire	Safe Forests and Grasslands Act of 2018.	Current law requires the Department of Forestry and Fire Protection to implement and administer various programs designed to improve forests and grasslands and prevent and suppress fires in state responsibility areas, as defined. This bill would declare the intent of the Legislature to enact subsequent legislation to create the Safe Forests and Grasslands Act of 2018 to improve the health of the state's forests and grasslands, reduce wildlife fuel, provide for bioenergy production, and reduce uncontrolled fires in state responsibility areas.	Watch	2	

Measure	Author	Category	Topic	Brief Summary	Position	Priority	LFPAC Comments
SB 1044	Berryhill R	Fire	State Responsibility Area Fire Prevention Fees.	Current law until July 1, 2017, required that a fire prevention fee be charged on each habitable structure on a parcel that is within a state responsibility area, to be used for specified fire prevention activities, and prescribed procedures for the collection and processing of the fees by the California Department of Tax and Fee Administration. Existing law repeals those provisions requiring the payment of the fee on January 1, 2031. This bill would instead repeal those provisions on January 1, 2019.	Oppose	2	Should apply to more than just habitable structures
SB 1079	Monning D	Fire	Forest resources: fire prevention grants: advance payments.	Current law authorizes the Director of Forestry and Fire Protection to provide grants to entities, including, but not limited to, private or nongovernmental entities, Native American tribes, or local, state, and federal public agencies, for the implementation and administration of projects and programs to improve forest health and reduce greenhouse gas emissions. The Budget Act of 2017 appropriated moneys to the Department of Forestry and Fire Protection for purposes of providing local assistance grants, grants to fire safe councils, and grants to qualified nonprofit organizations with a demonstrated ability to satisfactorily plan, implement, and complete a fire prevention project for these same purposes, as provided. This bill would authorize the director to authorize advance payments to a nonprofit organization, a special district, or a Native American tribe from the grant awards specified above.	Watch	2	

Measure	Author	Category	Topic	Brief Summary	Position	Priority	LFPAC Comments
SB 1260	Jackson D	Fire	Fire prevention and protection: prescribed burns.	Current law requires each planning agency to prepare, and the legislative body of each county and city to adopt, a comprehensive, long-term general plan, including a safety element, for the physical development of the county or city, as provided. Current law requires the draft element of, or draft amendment to, the safety element of a county or city's general plan to be submitted to the State Board of Forestry and Fire Protection and to every local agency that provides fire protection to territory within the city or county at least 90 days prior to specified events. This bill would instead require the draft element of, or draft amendment to, the safety element be submitted to the above-described entities 180 days prior to the specified events.	Watch	2	
SB 929	McGuire D	Governance	Special districts: Internet Web sites.	This bill would, beginning on January 1, 2020, require every independent special district to maintain an Internet Web site that clearly lists contact information for the special district, except as provided. Because this bill would require local agencies to provide a new service, the bill would impose a state-mandated local program.	Support	3	
AB 1918	Garcia, Eduardo D	Public Access	Office of Sustainable Outdoor Recreation.	Current law establishes in the Natural Resources Agency the Blue Ribbon Committee for the Rehabilitation of Clear Lake, for the purposes of discussion, reviewing research, planning, and providing oversight regarding the health of Clear Lake. This bill would establish in the agency the Office of Sustainable Outdoor Recreation. The bill would require the office to undertake certain activities such as promoting economic development and job growth in the outdoor recreation economy of the state. The bill would also require the office to create an advisory committee to provide advice, expertise, support, and service to the office.	Support	2	

Measure	Author	Category	Topic	Brief Summary	Position	Priority	LFPAC Comments
AB 2615	Carrillo D	Safety	State highway system: parks and recreation: accessibility for bicycles and pedestrians.	Would, to the extent possible, and where feasible, require the Department of Transportation to partner with appropriate public agencies, including, but not limited to, the Department of Parks and Recreation, any federal department or agency, and any regional or local public entity, to develop strategies and plans to maximize safe and convenient access for bicycles and pedestrians to federal, state, regional, and local parks adjacent to or connected to the state highway system.	Support	2	Support
AB 2422	Bloom D	Stewardship	Agricultural pest control research.	Existing law regulates the use of pesticides and authorizes the Director of Pesticide Regulation to adopt regulations to govern the possession, sale, or use of any pesticide, as prescribed. Existing law prohibits the use of any pesticide that contains one or more of specified anticoagulants in wildlife habitat areas, as defined. Existing law exempts from this prohibition the use of these pesticides for agricultural activities, as defined. Existing law requires the director, and each county agricultural commissioner under the direction and supervision of the director, to enforce the provisions regulating the use of pesticides. A violation of these provisions is a misdemeanor. This bill would expand this prohibition to include a pesticide containing any anticoagulant and would also prohibit the use of a pesticide containing an anticoagulant in the entire state. The bill would authorize a qualified applicator to submit an application to the Department of Pesticide Regulation to use a pesticide that contains one of specified anticoagulants for a particular pest infestation but would authorize the department to approve the application only if the qualified applicator demonstrates that he or she exhausted specified alternatives to the use of the pesticide and the use of the pesticide is required as a final treatment for the pest infestation. The bill would also authorize the use of a pesticide containing a specified anticoagulant if the State Department of Public Health determines that there is a public health emergency due to a pest infestation and the Department of Pesticide	Support	2	

Measure	Author	Category	Topic	Brief Summary	Position	Priority	LFPAC Comments
SB 835	Glazer D	Safety	Parks: smoking ban.	Current law makes it an infraction punishable by a fine of \$250 for a person to smoke a cigarette, cigar, or other tobacco-related product within 25 feet of a playground or tot lot sandbox area. This bill would make it an infraction punishable by a fine of up to \$25 for a person to smoke, as defined, in a unit of the state park system or to dispose of used cigar or cigarette waste in a unit of the state park system. The bill would establish a state-mandated local program by creating a new crime.	Support	2	
SB 1414	Beall D	Stewardship	School accountability: local control and accountability plans.	The Z'berg-Nejedly Forest Practices Act of 1973 prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester for those operations has been submitted to the Department of Forestry and Fire Protection. Existing law requires the department to review, approve, require the modification of, or disapprove timber harvesting plans in accordance with prescribed procedures. This bill would require the department to ensure that, before the approval of a timber harvesting plan or an associated permit on lands owned by the San Jose Water Company, the San Jose Water Company conducts 3 public hearings on the timber harvesting plan or associated permit, the Midpeninsula Regional Open Space District publicly reviews the timber harvesting plan or associated permit and adopts a resolution that timber harvesting would result in no significant impacts to public lands, and the County of Santa Clara, the County of Santa Cruz, and the appropriate regional water quality control boards each conducts a public hearing on the timber harvesting plan or associated permit. The bill would repeal these provisions on January 1, 2038. This bill would make legislative findings and declarations as to the necessity of a special statute for the Counties of Santa Clara and Santa Cruz.	Watch	2	

Measure	Author	Category	Topic	Brief Summary	Position	Priority	LFPAC Comments
AB 2470	Grayson D	Stewardship	Invasive species: Greenhouse Gas Reduction Fund.	Would establish the Invasive Species Council of California, composed as prescribed, to help coordinate a comprehensive effort to exclude invasive species already established in the state. The bill would establish a California Invasive Species Advisory Committee to advise the council on a broad array of issues related to preventing the introduction of invasive species and providing for their control or eradication, as well as minimizing the economic, ecological, and human health impacts that invasive species cause. The bill would transfer \$10,000,000 from the Greenhouse Gas Reduction Fund to the Invasive Species Fund this bill would establish in the State Treasury.	Support	2	
AB 2805	Bigelow	Stewardship	Wild pigs: validations.	Would revise and recast the provisions applicable to wild pigs by, among other things, specifying that the wild pig is not a game mammal or nongame mammal.	Support	2	
SB 881	Wieckowski D	Stewardship	Flood control: County of Santa Clara: South San Francisco Bay Shoreline Project.	Would authorize the state to provide subvention funds to the Santa Clara Valley Water District for the South San Francisco Bay Shoreline Project for flood control in areas along the south San Francisco Bay in the County of Santa Clara, as described, at an estimated cost to the state of the sum that may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the Department of Water Resources and upon a determination by the department that the project meets specified financial aid requirements. The bill would provide that the state assumes no liability for damages that may result from the project by authorizing the provision of subvention funds, or by the appropriation of those subvention funds, as specified.	Support	2	

Measure	Author	Category	Topic	Brief Summary	Position	Priority	LFPAC Comments
SB 919	Dodd D	Stewardship	Water resources: stream gages.	Would require the Department of Water Resources, upon appropriation by the Legislature, to develop a plan to deploy a network of stream gages that includes a determination of funding needs and opportunities for reactivating existing gages. The bill would require the department, in consultation with the board, the Department of Fish and Wildlife, the Central Valley Flood Protection Board, interested stakeholders, and, to the extent they wish to consult, local agencies, to develop the plan to address significant gaps in information necessary for water management.	Support	2	

MROSD Bill Positions and Priorities

Support:

- **Support** – A position given to bills and propositions that would be a benefit to Midpen’s ability to serve its communities.
- **Support if Amended** – A position given to bills that may be a benefit to the Districts’ ability to serve its communities, so long as specific amendments are taken to the bill. If the requested amendments are taken by the author, Public Affairs Department staff may recommend changing MROSD’s position to support.
- **Recommend Support (Priority)** – Position recommended by Legislative Consultant, along with a potential priority number, prior to staff review.

Oppose:

- **Oppose** – A position given to bills and propositions that would be a detriment to Midpen’s ability to serve its communities.
- **Oppose if Amended** – A position given to bills that may impede the Districts’ ability to serve its communities, so long as specific amendments are taken to the bill. If the requested amendments are taken by the author, Public Affairs Department staff may recommend changing MROSD’s position to support.
- **Concerns** – A position given to bills that could be a detriment to the District, but for political, policy, or other reasons do not warrant or lend themselves to a full oppose position.
- **Recommend Oppose (Priority)** – Position recommended by Legislative Consultant, along with a potential priority number, prior to staff review.

Watch:

- **Watch** – A position given to bills that may directly affect MROSD, but does not provide a significant benefit or impose a significant detriment to the District. Also includes bills that are in spot bill form on a subject area that concerns special districts and bills that are of notable interest to special districts, but do not warrant an active position or expenditure of MROSD resources. No position is taken, however, the progress and outcome of the bill is tracked. A position may be considered at a later date.
- **Recommend Watch** – Position recommended by Legislative Consultant.
- **Recommend Supplemental** – Position recommended by Legislative Consultant. Monitor the bill via the Supplemental list.

Investigate:

- **Investigate** – More information is needed before a position can be taken.

Remove:

- **Remove** – Legislation is of no interest to the District or does not apply.

Priority:

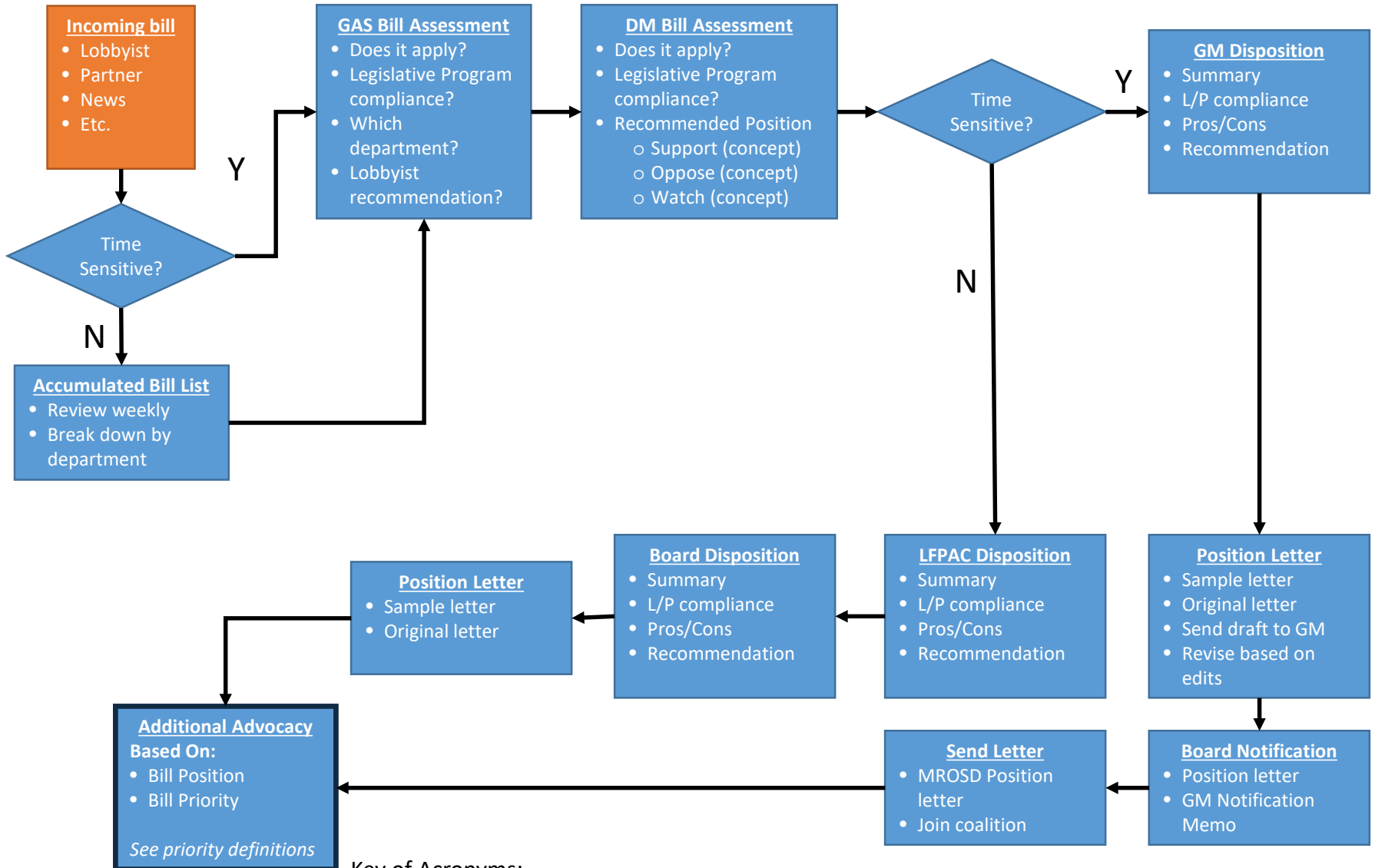
Priority 1: Bills given a “1” priority have a major importance and directly impacts the District, and/or may set a critical precedent. These bills will receive active attention by the Public Affairs Department and the affected department. This may include extensive testimony in committee, meetings with the Legislature, discussions with partner organizations, and public/media education, as appropriate.

Priority 2: Bills given a “2” priority have a significant impact on the District and/or set a critical, relevant precedent. The District sends a position letter or signs on to a coalition letter, and may discuss the item with the Legislature and provide testimony in committee as time permits.

Priority 3: Bills given a “3” priority may have a notable effect on the District, and/or set a meaningful precedent, but are determined to be a lower priority for District resources. Public Affairs Department staff, in collaboration with the appropriate department, may choose to not write a position letter on these bills, but may sign on to a coalition letter. Committee testimony or discussions with the Legislature may be conducted.

MROSD Legislative Bill Disposition Process

Board Policy 1.11



Key of Acronyms:

- GM: General Manager
- DM: Department Manager
- GAS: Governmental Affairs Specialist
- L/P: Legislative Program

Midpeninsula Regional Open Space District Legislative Session Program 2018

Updated January 10, 2018

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Introduction:

Midpeninsula Regional Open Space District's Mission:

To acquire and preserve a regional greenbelt of open space land in perpetuity, protect and restore the natural environment, and provide opportunities for ecologically sensitive public enjoyment and education.

To further the agency's mission, the Midpeninsula Regional Open Space District (the District) reviews, including opportunities and challenges, and establishes priorities and policy statements prior to the start of each legislative year, typically late in the calendar year, to guide its advocacy activities at the state and federal levels. The 2018 Legislative Session Program outlines the District's priorities in the coming year and details the District's legislative policies—providing general direction for advocacy. It reflects the District's commitment to the mission, the goals outlined in the 2014 Vision Plan, and the District's Strategic Plan along with the annual Action Plan process.

Advocacy of the District's Interests

While this document attempts to cover a wide variety of legislative issues that may have an impact on the District, it is not comprehensive, complete or final. Throughout the state and federal legislative sessions, the District will review and take positions on various policies and state or federal budget items.

Per Section 2.0 of Board Policy 1.11, legislative advocacy are considered in the following manner:

Section 2.0: Local, State, and Federal Legislative Advocacy

- a. The Legislative, Funding, and Public Affairs Committee (LFPAC) receives periodic updates throughout the year regarding the District's legislative program. When LFPAC determines that proposed legislation may affect District business, it may direct the General Manager to prepare a recommendation for consideration by the full Board or where there is not adequate time to convene the full Board, may direct the General Manager to take action to support or oppose the legislation without full Board approval. In such cases, the General Manager or designee shall report to the Board any actions taken to support or oppose legislation at or before the next Board meeting.
- b. When time is so short that neither the full Board nor LFPAC can be convened to consider positions to support or oppose local, state or federal legislation, the General Manager is authorized to take a position on behalf of the District if the legislation:
 - i. Is related to the District's mission; AND
 - ii. Would directly impact the District's business, such as project delivery, operations, finances, legal authority, or other District responsibilities; AND
 - iii. The position being taken is consistent/inconsistent with existing District policy, past action, or [District Strategic Plan](#); OR

- iv. The legislation carries other considerations that make it contrary to the District's interests.

In such instances, the General Manager or designee shall report to the Board any actions taken to support or oppose the legislation at or before the next Board meeting.

- c. Full Board action is required regarding legislation that is not clearly within the criteria listed above under Section 2.b. or guided by direction previously given by LFPAC.

All legislation on which the District takes a position will be closely tracked by the General Manager's Office (GMO) and reported to the Board of Directors and departments. Contracted state and federal advocacy teams will represent the District interests based upon the policies contained in the Board-approved Legislative Session Program. In addition to District position letters, Board members and District staff may be asked to testify or meet with relevant legislators or members of the Executive branch to advocate on issues requiring heightened advocacy. If this is the case, District staff must first notify and/or confirm approval of the GMO to ensure that positions taken are consistent with the District's Board approved Legislative Session Program.

Legislative Priorities:

The following are the top legislative priorities for the Midpeninsula Regional Open Space District in the first year of the 2018 State Legislative Session. They are categorized by the Board's Strategic Plan Goals/Strategy areas (<https://www.openspace.org/about-us/strategic-plan>) to provide a clear connection to organizational priorities:

Promote, establish, and implement a common environmental protection vision with partners

1. **Watershed Protection:** The District supports legislative or regulatory efforts that enhance the ability to protect watershed land, as well as restore and maintain associated habitats.
2. **Regional Conservation:** The District supports legislation that enhances and funds regional collaboration and coordination of conservation efforts.
3. **Wildlife Corridors:** The District will support efforts to bring greater funding opportunities and permit streamlining to conservation related to wildlife corridors. With the passage of Santa Clara County Measure B and a focus at the state level on funding transportation infrastructure, advance mitigation has become increasingly important to ensure that habitat connectivity is enabled and maintained.

Connect people to open space and a regional environmental protection vision

1. **Equitable Access:** The District will support efforts to enhance funding eligibility for Disadvantaged Communities in high-cost regions like the Bay Area. Low-income communities in and around the District's purview are under increasing cost pressures due to the continuing tech boom in Silicon Valley. Despite this, these traditionally underserved areas have difficulties accessing funding intended to benefit them due to formulas that fail to recognize their status relative to other parts of the state that accommodate similar populations.
2. **Every Kid in a Park Initiative:** The District supports national and state efforts to mobilize children and parents to visit and enjoy America's outdoor spaces to encourage the next generation to discover America's public lands and waters.
3. **Trail Corridors:** The District supports policy that helps link preserve trails to other regional trails and ultimately to the places where people live and work

Strengthen organizational capacity to fulfill the mission

1. To be determined.

Position the District for long-term financial sustainability to fulfill the District's mission on behalf of the public

1. **Parks Bond:** The District supports education efforts regarding the statewide bond placed by the California Legislature on the June 5, 2018 ballot.
2. **Cap and Trade/Climate-related Funding:** The District supports efforts to emphasize and increase the recognition for the use of natural and working land (NWL) for the purposes of carbon sequestration and subsequent allocations of Cap and Trade funding. With the passage of SB 32 (Pavely) in 2016 there will be increased pressure to not only eliminate sources of greenhouse gas generation, but also find ways to capture emissions as well. This further promotes the recognition of the region's greenbelt as its "life support system."

District Legislative Policy Positions:

The ability of the District to deliver its mission and remain a sustainable organization can be impacted by legislation proposed on the local, state, or federal level. To this end, proactive, Board-approved policy positions taken by the District on a variety of relevant issue areas help to not only crystalize thinking among Board members and staff, but also ensures consistency in advocacy. To be consistent with other District processes and performance metrics, these policy positions have been broken down by areas specified in the annual Fiscal Year Major Accomplishments report (<http://www.openspace.org/about-us/public-information/accomplishments-15>).

Vision Plan Implementation

Entrusted by taxpayers in 2014 with the passage of its \$300 million Measure AA bond the District supports legislation that:

1. Streamlines project timelines and reduces delivery costs to implement the Priority Action portfolio of the Vision Plan (<https://www.openspace.org/our-work/projects/vision-plan>)

Public Access and Education

The District supports legislation that:

1. Protects cultural resources
2. Increases public access to preserved land region-wide
3. Helps link preserve trails to other regional trails and ultimately to the places where people live and work

4. Helps provide educational opportunities for preserve visitors about natural and cultural resources and the benefits of open space
5. Keeps preserves safe, clean, and inviting for healthy exercise and enjoyment
6. Promotes involvement and engagement of communities in ongoing conservation
7. Funds and enables programs that hires youth to work in parks and open space and encourages them to consider careers there
8. Creates or augments grant programs to enhance public access, provide fire clearance, and enable housing rehabilitation on District holdings
9. Helps fund and streamline emergency repairs to District infrastructure
10. Funding that supports partnership approaches to environmental education and public outreach efforts on local and state levels. For example, Next Generation Science Standards (NGSS), California Education and the Environment (<http://www.californiaeei.org/>) and ChangeScale (<http://changescale.org/who-we-are/>)
11. Streamlines permits for trail maintenance and construction, including grading
12. Improves and streamlines the permitting and CEQA review and compliance process
13. Provides parks and open space districts the authority to utilize a variety of contracting methods to construct projects, including design-build methodologies
14. Legislation that promotes implementation and education of sustainable design and construction; including but not limited to LEED buildings, stormwater treatment and runoff reduction, local (within 150-mile radius of project) contractor/consultant hiring and construction materials, reuse and recycle materials, renewable energy, and landscaping
15. Transportation measures that enhance community member opportunities to access open space preserves and state parks
16. Improves local transportation, which enables better connectivity between the built and natural environment, i.e. Transit to trails
17. Enables Native American community involvement in cultural and land management practice awareness
18. Increases environmental education access opportunities, including volunteer opportunities, for underserved communities
19. Enhances the ability to engage and involve a diverse team of Bay Area volunteers in the protection, conservation, restoration, and enhancement of the District's natural resources, trails, and facilities.
20. Provides prevailing wage exemptions for volunteers

21. Prohibits drones (Unmanned Aerial Vehicles) from operating near fires and other emergency incidents
22. Helps eradicate marijuana growing on public lands and restore lands damaged by its growth.
23. Aids enforcement of marijuana laws related to the implementation of Prop 64 (2016)

Natural Resources Protection and Restoration

The District supports legislation that:

1. Supports working farms and ranches
2. Supports farm labor housing
3. Enhances management of water quality for all priority watersheds
4. Protects local and regional watershed holdings and water quality protection
5. Enables Cal Fire to continue inmate work programs.
6. Promotes expedited tree and brush removals by public agencies for fire protection and public access.
7. Ensures reasonable setback requirements that allow minimum defensible space clearances to be met by private property owners.
8. Supports wildfire management to become a more natural component of the ecosystem, and minimize negative effects on the community and environment
9. Connects habitats that support a diverse array of native plants and animals
10. Supports maintaining state and federal lists of endangered species justified through conclusive biological evidence
11. Incentivizes agricultural operations to invest in energy efficient irrigation technologies that reduce greenhouse gas (GHG) emissions and water use
12. Provides funding to local partners to provide technical support for agriculture and natural resources enhancement
13. Creates or enhances new funding sources to implement local or state government programs that benefit the environment such as: watershed protection, groundwater recharge and sustainability, water conservation, GHG reduction, Areas of Special Biological Significance compliance, Rare, Threatened, and Endangered species management and recovery
14. Expands funding for:
 - a. Wetland restoration projects that provide carbon sequestration benefits.

- b. Forest health programs that reduce GHG emissions through fuel reduction.
 - c. Wildlife Corridor projects that improve wildlife habitat connectivity
- 15. Ensures maintenance of adequate open space through increased funding for development easements, needed restoration, and rehabilitation activities
- 16. Encourages public road management agencies to control invasive plant populations.
- 17. Emphasizes the use of Integrated Pest Management (IPM) practices that aligns with the District's program
- 18. Reduces/further regulates the use of second-generation anticoagulant rodenticides
- 19. Supports increased knowledge, management, and ultimately the eradication, of Sudden Oak Death disease.
- 20. Ensures "Open Space" zoning for permanently protected lands that allow for typical maintenance and construction activities.
- 21. Furthers implementation of Senate Bill 32 (Chapter 249, Statutes of 2016), the Global Warming Solutions Act that establishes a GHG reduction target for the state of 40 percent below 1990 levels by 2030.
- 22. Enhances wildland fire management and promotes climate adaptation planning
- 23. Promotes the development of new mechanisms for sustainable and environmentally responsible economic development and redevelopment of housing, neighborhood, and commercial properties to minimize the carbon footprint of the built environment and reduce the pressure to sprawl into open space lands.
- 24. Helps efforts to protect, conserve, restore, and enhance the natural resources of the District, its coast and adjacent waters for environmentally sustainable and prudent use by current and future generations
- 25. Recognizes and incentivizes the use of natural and working lands for the purpose of carbon sequestration
- 26. Supports the development of effective and comprehensive Districtwide, regional, and statewide measures to adapt to sea level rise, community resilience, and other effects of climate change
- 27. Enhances or streamlines the identification, creation, and maintenance of wildlife corridors both within District lands and adjacent entities, which may extend to statewide and international linkages
- 28. Promotes advance mitigation programs and wildlife corridor networks
- 29. Enhances regulatory permit and closer collaboration and coordination between regulatory agencies

Land Acquisition and Restoration

The District supports legislation that:

1. Expands protected land, to enhance biodiversity, climate change resilience and scenic, rural character
2. Protects watershed lands
3. Promotes the use of urban infill to reduce greenhouse gas generation and protect natural and working lands and to encourage a balance between jobs and housing
4. Enhances the District's ability to purchase or otherwise acquire regional and strategic open space lands and connect District lands to federal, state, county, city, and other protected open space, parklands, bay lands, watershed lands, wildlife corridors, and agricultural lands.
5. Enhances the District's ability to create and pursue opportunities to acquire an integrated greenbelt of protected open space, trails, and habitat corridors throughout our jurisdiction
6. Facilitates the protection of the District and the public's open space, park, and natural resources, property rights, interests, and easements
7. Preserves prime and sustainable agricultural lands through State Budget proposals that provide funding for long-term protection of these lands.

General/Midpen-wide Support of Mission

The District supports legislation that:

1. Preserves existing tax revenues and tax authority.
2. Lowers the vote threshold for locally imposed special taxes, from two-thirds to fifty-five percent.
3. Maximizes funding flexibility for use within the designated programs
4. Preserves tax-exempt status for municipal bonds on a state and federal level
5. Expands state and federal incentives that promote the issuance of green bonds
6. Enables statewide efforts to increase broadband connectivity to public agency infrastructure in remote areas.
7. Preserves and promotes cost-effective, fair, and efficient contracting practices that give taxpayers the best value for their dollar.
8. Preserves and promotes managerial discretion in effective and productive recruiting, hiring, firing, and day-to-day oversight of staff at all levels.

9. Preserves and promotes open, transparent, accountable government administrative practices that promote the efficient and timely delivery of public services, facilitates public involvement, and supports effective and timely decision-making.

2018 Federal Legislative Priorities

Given the tumult and outcomes of the 2016 federal elections, it is expected that very little progress will be made forwarding a pro-environmental agenda at the national level. It may be necessary for active advocacy to occur to defend existing environmental priorities and regulations. Statements made by both the Governor of California and the State Legislature have made clear that an active effort to preserve environmental regulations, with California at the lead, may be necessary.

Priority Areas:

In 2018, the District will remain focused on federal policy relevant to the following:

Land and Water Conservation Fund

The District supports full funding of the federal Land and Water Conservation Fund (LCWF).

Infrastructure Investment

The District supports the inclusion of active transportation and parks-related projects in federal funding allocations for infrastructure.

National Monument Preservation

The District supports the protection and the designation of national monuments within our region that are important to fulfilling the District's mission.

2018 Regional/Local Priorities

Local land use authority predominates California planning processes even though there is a growing recognition of the importance of regional planning and coordination of efforts. This is true for both the built as well as the natural environment.

Priority Areas:

In 2018, the District supports:

Plan Bay Area 2040, Final Preferred Scenario Adoption

The District supports ratification of the final preferred scenario of the Plan Bay Area 2040 that curbs urban boundary expansion and enhances open space preservation and stewardship, and funds District priorities in adopted Priority Conservation Areas (PCA).

San Francisco Bay Restoration Authority (SFBRA), Measure AA Implementation

The District supports guideline development for SFBRA's Measure AA funds that enables implementation of District priority projects.

Santa Clara Valley Transportation Authority (VTA), Measure B Implementation

The District supports advance mitigation allocation guideline development for VTA's recently passed Measure B funds that enables implementation of District priority projects.

City of Los Altos, El Camino Real Commercial Thoroughfare (CT) Zoning

The District supports zoning definitions within the City of Los Altos' El Camino Real Corridor that continue to afford the District flexibility in its consideration of options for its new Administrative Office.

2018 TENTATIVE LEGISLATIVE CALENDAR
 COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE
 Revised 11/16/16

DEADLINES

JANUARY						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3** **Legislature Reconvenes** (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 12** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the **odd-numbered year** (J.R. 61(b)(1)).
- Jan. 15** Martin Luther King, Jr. Day.
- Jan. 19** Last day for any committee to hear and report to the **floor** bills introduced in that house in the odd-numbered year (J.R. 61(b)(2)). Last day to **submit bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to **pass bills introduced** in that house in the odd-numbered year (J.R. 61(b)(3), (Art. IV, Sec. 10(c)).

FEBRUARY						
S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

- Feb. 16** Last day for bills to be **introduced** (J.R. 61(b)(4), (J.R. 54(a)).
- Feb. 19** Presidents' Day.

MARCH						
S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

- Mar. 22** **Spring Recess** begins upon adjournment of this day's session (J.R. 51(b)(1)).
- Mar. 30** Cesar Chavez Day observed.

APRIL						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

- Apr. 2** **Legislature Reconvenes** from Spring Recess (J.R. 51(b)(1)).
- Apr. 27** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house (J.R. 61(b)(5)).

MAY						
S	M	T	W	TH	F	S
		1	2	3	4	5
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27	28	29	30	31		

- May 11** Last day for **policy committees** to hear and report to the floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 18** Last day for **policy committees** to meet prior to June 4 (J.R. 61(b)(7)).
- May 25** Last day for **fiscal committees** to hear and report to the floor bills introduced in their house (J.R. 61(b)(8)). Last day for **fiscal committees** to meet prior to June 4 (J.R. 61(b)(9)).
- May 28** Memorial Day.
- May 29- June 1 Floor Session only.** No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61 (b)(10)).

*Holiday schedule subject to Senate Rules committee approval

2018 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE

Revised 11/16/16

JUNE						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
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24	25	26	27	28	29	30

- June 1** Last day for each **house to pass bills** introduced in that house (J.R. 61(b)(11)).
- June 4** Committee meetings may resume (J.R. 61(b)(12)).
- June 15** Budget Bill must be passed by **midnight** (Art. IV, Sec. 12(c)(3)).
- June 28** Last day for a legislative measure to qualify for the Nov. 6 General Election ballot (Elections code Sec. 9040).
- June 29** Last day for **policy committees** to hear and report **fiscal bills** to fiscal committees (J.R. 61(b)(13)).

JULY						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- July 4** Independence Day.
- July 6** Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)). **Summer Recess** begins upon adjournment provided Budget Bill has been passed (J.R. 51(b)(2)).

AUGUST						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

- Aug. 6** **Legislature Reconvenes** (J.R. 51(b)(2)).
- Aug. 17** Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).
- Aug. 20-31 Floor Session only.** No committees, other than Conference and Rules Committees, may meet for any purpose (J.R. 61(b)(16)).
- Aug. 24** Last day to **amend** on the floor (J.R. 61(b)(17)).
- Aug. 31** Last day for **each house to pass bills**, except bills that take effect immediately or bills in Extraordinary Session (Art. IV, Sec. 10(c), (J.R. 61(b)(18)). **Final Recess** begins upon adjournment (J.R. 51(b)(3)).

*Holiday schedule subject to Senate Rules committee approval

IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS**2018**

- Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).
- Nov. 6 General Election
- Nov. 30 Adjournment *Sine Die* at midnight (Art. IV, Sec. 3(a)).
- Dec. 3 12 Noon convening of the 2019-20 Regular Session (Art. IV, Sec. 3(a)).

2019

- Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

Midpeninsula Regional Open Space District

Board Policy Manual

<p>Positions on Ballot Measures and Legislative Advocacy</p>	<p>Policy 1.11 Chapter 1 – Administration and Government</p>
<p>Effective Date: 4/13/16</p>	<p>Revised Date: N/A</p>
<p>Prior Versions: N/A</p>	

Purpose

To establish a policy governing positions on local and state ballot measures/propositions and state and federal legislative advocacy. It is intended to cover all matters before the Legislature and the voters.

Definitions

For the purposes of the *Positions on Ballot Measures and Legislative Advocacy* policy, the following terms and definitions shall be used:

Measure – may be included on a municipal, county, or district ballot and includes ordinances, initiatives, referenda, advisory measures, issuance or refunding of bonds, city or county charter amendments, or any other measure or proposition a legislative body may submit to the voters within the body’s jurisdiction.

Ballot Proposition – can be a referendum or an initiative measure that is submitted to the electorate for a direct decision or direct vote. Propositions may be placed on the ballot by the California State Legislature or by a qualifying petition signed by registered voters.

Initiative – power of the electors to propose legislation, and to adopt or reject them. Any proposed ordinance may be submitted to the legislative body by means of a petition.

Referendum – applies to the process for repealing newly enacted legislation. Within specified time limits, the electors may file a petition protesting the adoption of that legislation.

Local Legislation – typically ordinances, which are the laws of a city, charter, or district, often having the force of law, but only within the local jurisdiction.

State or Federal Legislation – bills or proposed legislation under consideration by the legislature at the state or federal level.

Policy

1. Positions on Matters Before the Voters
 - a. From time to time the Board of Directors may be asked or may desire to take a position on local or state measures. The Board may consider taking a position on the measure/proposition if the measure/proposition:
 - i. Would directly impact the District's finances, responsibilities, legal authority, or operations; AND
 - ii. Is in line with or inconsistent with the District's mission and/or commitment to preserve open space within its boundaries and sphere of influence.

The Board, by majority vote, may direct the General Manager to research the measure/proposition and return to the Board at a future meeting with information and a General Manager recommendation. At that time, the Board may vote to take a position on a measure/proposition.
 - b. Measures/propositions determined to not impact District business may nonetheless be analyzed by the General Manager when directed by a majority vote of the Board, of which the analysis report would include possible alternatives for Board action, but no position recommendation.

2. Local, State, and Federal Legislative Advocacy
 - a. The Legislative, Funding, and Public Affairs Committee (LFPAC) receives periodic updates regarding the District's legislative program. When LFPAC determines that proposed legislation may affect District business, it may direct the General Manager to prepare a recommendation for consideration by the full Board or where there is not adequate time to convene the full Board, may direct the General Manager to take action to support or oppose the legislation without full Board approval. In such cases, the General Manager or designee shall report to the Board any actions taken to support or oppose legislation at or before the next Board meeting.
 - b. When time is so short that neither the full Board nor LFPAC can be convened to consider positions to support or oppose local, state or federal legislation, the General Manager is authorized to take a position on behalf of the District if the legislation:
 - i. Is related to the District's mission; AND
 - ii. Would directly impact the District's business, such as project delivery, operations, finances, legal authority, or other District responsibilities; AND
 - iii. The position being taken is consistent/inconsistent with existing District policy, past action, or District Strategic Plan; OR
 - iv. The legislation carries other considerations that make it contrary to the District's interests.

In such instances, the General Manager or designee shall report to the Board any actions taken to support or oppose the legislation at or before the next Board meeting.
 - c. Full Board action is required regarding legislation that is not clearly within the criteria listed above under Section 2.b. or guided by direction previously given by LFPAC.

3. Full Board action is required to support or oppose any type of grassroots advocacy action, such as social, political, or economic movements, that are not legislation.
4. Board members representing the District in their official capacity on regional or other bodies may, at his or her discretion, take actions based on the principles above consistent with previously approved Board positions and policies.
5. This policy is not intended to limit the prerogative of individual Board members from expressing their individual support for or opposition to any local ballot measure, State proposition, State or Federal legislation, or grassroots advocacy actions. However, in doing so, the member should clearly state they are speaking for themselves, and not in an official capacity on behalf of the Board or the District. Individual Board Members who take a position in support or opposition to ballot measure or legislation for which the Board has not previously taken a position are encouraged as a professional courtesy to include the language *for identification purposes only* parenthetically following their signature referencing their position on the Board.