



Midpeninsula Regional
Open Space District

R-24-124
Meeting 24-28
October 23, 2024

AGENDA ITEM 4

AGENDA ITEM

Award of Contract for State Legislative Consulting and Lobbying Services

GENERAL MANAGER'S RECOMMENDATION

Authorize the General Manager to enter into a four-year contract with Energy and Environmental Consulting for an amount not to exceed \$390,000 for state legislative consulting and lobbying services. This includes an annual contingency of \$1,500 to cover travel expenses to Board meetings and project locations should it be necessary.

SUMMARY

The Midpeninsula Regional Open Space District (District) relies on legislative consulting and lobbying services to advance District priorities concerning environmental, natural resource, local governance, and funding issues in the California legislature. Based on the results of a Request for Proposals (RFP) issued on August 2, 2024, the General Manager recommends entering into a four-year contract with Energy and Environmental Consulting (EEC) for an amount not to exceed \$390,000 for strategic planning, representation and advocacy on matters related to mission-based issues and governance. A four-year contract would cover two, two-year legislative sessions. As part of the contract, EEC would sub-contract with Public Policy Advocates (PPA) to leverage their special district governance and wildfire-related policy expertise. Sufficient funds are available in Fiscal Year 2025-26 to cover expenses during the current fiscal year. Additional funds will be requested in future fiscal year budgets as part of the annual Budget and Action Plan process for work in subsequent fiscal years.

DISCUSSION

Consultant Selection

An RFP was issued on August 2, 2024 and posted on BidSync to solicit interest from qualified legislative consulting and lobbying firms who focus on environmental and governance-related topics of interest to the District. The deadline for submission was August 30, 2024. The scope of work covered strategic planning, representation, advocacy services, as well as assistance fostering relationships with the District's legislative delegation and key elected and administration officials. The District received only one proposal for \$8,000 per month (\$96,000 per year) submitted jointly by EEC and Public Policy Advocates (PPA) where PPA would subcontract with EEC. EEC focus on environmental policy issues while PPA focuses on governance-related and wildfire policy issues. This amount is the same as the contract recently entered into by EEC with the East Bay Regional Open Space District. Their contract, however, is just for services provided by EEC.

Following a review of their proposal and consultant qualifications, District staff interviewed EEC/PPA and determined that they were well qualified to continue providing legislative consulting services to the District. Their depth of knowledge and experience in relevant policy areas, as well as their approach to policy development and advocacy through fostering coalitions sets them apart from past applicants.

In addition to the direct support and services EEC has provided the District, they currently manage statewide environmental policy coalitions. One is the Wildlife Corridor Working Group, which focuses on advancing policy and funding to enable wildlife crossing projects across the state like the District's Highway 17 project. They have been instrumental in fostering closer relationships between the California Department of Fish and Wildlife (CDFW) and Caltrans. The group was key in passing AB 2344 (Friedman, 2022), which integrates CDFW priority wildlife crossings into Caltrans planning and SB 790 (Stern, 2021), which establishes a mitigation credit agreement (MCA) system for wildlife crossings.

At the behest of the District, EEC also facilitates the Ecologically Sensitive Vegetation Management working group to forward policy and funding solutions to support an integrated pest management (IPM) approach to vegetation management. They also host the Community Access Coalition group that promotes policy and funding for equitable access to parks and open space. They were active in the passage of AB 209 (Limon, 2019), which created the Outdoor Equity Grants Program. Moreover, EEC manages a statewide group called the Clean Water Natural Resources and Parks (CNWRP) coalition, which promotes effective funding solutions to meet statewide conservation goals.

In the last four years, EEC/PPA has demonstrated exceptional performance supporting the District's legislative program:

- Drafted crucial language to ensure funding was included in the introduced bond acts of 2023-24, [SB 867 \(Allen\)](#) and [AB 1567 \(Garcia\)](#) would benefit the District. EEC worked directly with Senator Ben Allen and Assemblymember Eduardo Garcia to strategically lead advocacy on these bills. SB 867 was ultimately passed by the legislature and signed by the governor to become Proposition 4 on the November 5, 2024 ballot. Of the \$10 billion in Proposition 4, the District may benefit from approximate \$3 billion in competitive grant opportunities including wildlife crossing funding, watershed restoration, wildfire fuel reduction, environmentally sensitive vegetation management and new trail construction funding.
- Participated in the Pathways to 30x30 stakeholder engagement process, including the topical workshops and feedback process.
- Championed legislative reforms in the Williamson Act to ensure funding to the respective counties and reduce barriers to open space protection.
- Led advocacy with Assemblymember Berman to secure \$8 million through the 2021-22 State Budget for the District to acquire the Cloverdale Ranch property.
- Led advocacy with Senator Cortese to secure \$2 million in the 2021-22 State Budget in support of the District's Highway 17 Wildlife Crossing project.
- Drafted and passed [AB 1384 \(Gabriel, 2022\)](#), the Resiliency Through Adaptation, Economic Vitality, and Equity Act, which updates requirements for the state's climate adaptation

strategy to prioritize equity and vulnerable communities and include metrics to measure and evaluate the state's progress in implementing the plan.

- Successfully blocked [SB 396 \(Bradford, 2022\)](#) in order to prevent Independently Owned Utilities from removing trees and other vegetation from District properties without prior approval.
- Drafted and led advocacy on [AB 2091 \(Grayson, 2024\)](#) to create a CEQA exemption for incorporating public access on preexisting paved and natural surface roads and preexisting trails, if approved by an independently governed park district.
- Protected \$45 million in funding and preserved the previously extended sunset date for the Habitat Conservation Fund in the 2024-24 State Budget.
- Led discussions with legislators, state agencies, the Administration, and stakeholders to promote a new definition for underserved communities to prioritize public funding for conservation projects in the Bay Area.
- Drafted and passed [SB 790 \(Stern, 2021\)](#), which authorizes the California Department of Fish and Wildlife to approve compensatory mitigation credits for certain wildlife connectivity actions that measurably improve habitat connectivity or wildlife migration.
- Secured \$42 million to support wildlife connectivity projects in the 2022-23 Nature-Based Solutions state funding package.
- Helped pass [AB 2344 \(Friedman, 2022\)](#), which requires the California Department of Transportation and the Department of Fish & Wildlife, to take actions in addressing wildlife connectivity needs related to the state highway system.
- Developed language and helped pass state bond measures ([Proposition 84 \(2006\)](#), [Proposition 1 \(2014\)](#), and [Proposition 68 \(2018\)](#), and currently [Proposition 4 \(2024\)](#), that provide increased funding for parks, open space districts and expanded eligibility for grant opportunities.
- Led the successful effort for the passage and signing of [AB 2789 \(Mullin, 2022\)](#), a District and Santa Clara Valley Open-Space Authority-sponsored bill to continue use of design-build contracting. Activities included drafting language, working with committee staff on amendments, advising on hearing testimony and actively lobbying for votes.
- Led the successful effort for the passage and signing of [AB 959 \(Mullin, 2021\)](#), a District and East Bay Regional Park District-sponsored bill to define and enforce nuisances on open space lands held by either agency. Activities included drafting language, working with committee staff on amendments, advising on hearing testimony and actively lobbying for votes.
- Successfully sought amendments to and supported AB 3074 (Friedman, 2020) related to defensible space in wildfire zones. Amendments were intended to protect a level of local control. Additionally lobbied for bill implementation funding.
- Successfully led an effort with stakeholders to eliminate provisions in AB 1516 (2019, Friedman) that would have burdened landholders like the District with vegetation management responsibilities within the right of way of powerlines.

FISCAL IMPACT

There are sufficient funds in the FY25 budget to cover the cost of the recommendation this fiscal year. Funds for future fiscal year work will be recommended in future fiscal year budgets as a part of the annual Budget and Action Plan process.

PRIOR BOARD OR COMMITTEE REVIEW

None

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

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

NEXT STEPS

Upon Board approval, the General Manager will direct staff to enter into a contract with EEC. The Board of Directors will receive updates throughout each legislative session.

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