



MEMORANDUM

City Manager's Office

DATE: April 25, 2024

TO: Council Policies and Procedures Committee

FROM: Laurel James, Principal Management Analyst

VIA: Kimbra McCarthy, City Manager

SUBJECT: **Revision to Council Policy A-16, Positions on Ballot Measures and Legislative Advocacy**

INTRODUCTION

Over the past five fiscal years, the number of communications regarding the City's position on legislation or legislative issues made to the State Legislature, Congress, and other branches of government has increased four-fold from 13 in Fiscal Year 2018-19 to 52 in Fiscal Year 2022-23. Several factors contributed to this increase, including the designation of a dedicated Intergovernmental Relations Manager, Council adoption of a State and Federal Legislative Platform, and the onboarding of a legislative consulting firm.

Council Policy A-16 governs positions on ballot measures and State and Federal legislative advocacy. The policy provides guidance and criteria for how the City Council considers taking formal actions in support of or opposition to ballot measures and policies under consideration by state and/or federal policy-making entities. In general, the policy limits Council action to issues that are within the City's jurisdiction subject matter and/or that would directly impact the City's finances, responsibilities, legal authority, or operations.

As written, the policy does not reflect Council's current practice regarding the role of the State and Federal Legislative Platform or taking positions on matters of foreign policy and international affairs.

State and Federal Legislative Platform

The City Council has adopted a State and Federal Legislative Platform to guide the City's regional, state, and federal legislative advocacy efforts annually since 2022. Under current practice, the Mayor or staff regularly takes actions in support of or opposition to legislation that are consistent with the adopted State and Federal Legislative Platform without further Council direction required as specified in Section 2.a.i.f of the policy. The proposed amendments to the policy

clarify that the Legislative Platform is explicitly included in the guiding principles for acting without redundant Council approval.

In addition, the proposed amendments to the policy clarify that actions inconsistent with, or not covered by, the Legislative Platform or Policy A-16 require full Council action and that Councilmembers representing the City on other bodies shall vote consistent with the Legislative Platform.

Foreign Policy and International Affairs

On occasion, Mountain View residents and other individuals have asked the City Council to act in support of, or opposition to, United States foreign policy and/or international affairs. Most recently, groups and individuals have organized to request that Council take a formal position on the conflict in Gaza and Israel.

Foreign policy and international affairs are matters outside of the City's jurisdiction, and it has been the City's past practice not to take a formal position on these issues. As updated in 2022, Council Policy A-16 does not address international affairs or foreign policy. For clarity and consistency, the proposed amendments described below formalize the practice that Council does not take positions on foreign policy and/or international affairs matters.

PROPOSED AMENDMENTS

1. Positions on Ballot Measures
 - a. The City Council is generally discouraged from taking a position on local or State measures/propositions unless the measure/proposition:
 - i. Would directly impact the City's finances, responsibilities, legal authority, or operations; AND
 - ii. The measure/proposition has been referred to staff for analysis by majority vote of the City Council. The guiding principles listed in 2.a.i below shall be used to inform the Council's consideration of whether to refer a measure/proposition to staff for analysis.

2. State and Federal Legislative Advocacy

- a. Actions of support or opposition to State or Federal legislation can be taken by the Mayor or staff without City Council approval, as staff resources permit, if the position is consistent with the following guiding principles:
 - i. The legislation:
 - (a) Would directly impact the City’s finances, responsibilities, legal authority, or operations, or a significant portion of the residential or business community of Mountain View that could, in turn, impact City government finances, responsibilities, legal authority, or operations; AND
 - (b) Is intended to protect or increase local revenues; OR
 - (c) Is intended to protect or increase local control; OR
 - (d) Is intended to protect or increase funding or otherwise benefit specific programs or services utilized in Mountain View; OR
 - (e) Is opposing an unfunded mandate; OR
 - (f) Is consistent with the adopted State and Federal Legislative Platform, existing City policy, past action, or current City Council major goals; AND
 - (g) Has been reviewed by the City Manager or his/her designee.
 - b. Full Council action is required regarding legislation that is not clearly within the guiding principles above. An exception to this rule is the following: if a significant item requires action before Council approval can be obtained, and the City Manager deems it appropriate to act, consultation with the Mayor and Vice Mayor will be undertaken prior to action.
 - c. Full Council action is required if the Mayor or staff’s recommended position is inconsistent with that of the adopted State and Federal Legislative Platform, League of California Cities for State issues or the National League of Cities for Federal issues.
 - d. Full Council action is required to support or oppose any type of grassroots advocacy action, such as social, political, or economic movements, that are not legislation.
3. Councilmembers representing the City on regional or other bodies shall vote consistent with the City’s adopted State and Federal Legislative Platform.

4. The City Council does not take positions or actions in support of or opposition to foreign policy and/or international affairs.

5. This policy is not intended to limit the prerogative of individual Councilmembers from expressing their individual support for or opposition to any local measure, State proposition, State or Federal legislation, foreign policy or international affairs issue, or grassroots advocacy actions. However, in doing so, the member should clearly state they are speaking for themselves, not on behalf of the Council or the City.

To reflect the proposed amendments presented above, draft edits also include changing the subject of Policy A-16 to “Positions on Ballot Measures and Federal and State Policy” as reflected in Attachment 1.

ALTERNATIVES

1. Do not update Council Policy A-16 to incorporate references to the adopted State and Federal Legislative Platform and include guidance for taking positions on international affairs and foreign policy.
2. Provide other direction.

LJ/4/MGR
612-04-25-24M

Attachment: 1. City Council Policy A-16 with Redline Revisions