

# **THE EFFECTIVE USE OF LEGISLATIVE ADVOCACY FOR COUNTY SOCIAL SERVICES AGENCIES: HOW TO PLAY AND WIN IN THE LEGISLATIVE GAME**

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## **INTRODUCTION**

Social Services staff is often unaware that their county has a hired lobbyist and they also may not realize how the lobbyist's skills can be put into action for program development and access to the state budget and the legislature. There is an unfortunate perception that the world of the legislature and of lobbying is distant and removed from day-to-day operations of busy social services agencies.

When I was hired just over a year ago as Alameda County Social Service's Agency's first full time legislative analyst I quickly learned that all our neighboring counties employ lobbyists too. as do all large counties throughout the state. For this internship therefore, being relatively new to the business of working in the legislative arena, I decided to work with the county's lobbyist with a view to learning how an Agency can make most effective use of this valuable service.

These days, lobbyists prefer to be called legislative advocates or consultants, or government relations counsels - perhaps this is because the word lobbyist has become associated with unscrupulous behavior, vote buying and manipulation of elected officials for special interests and corporate profiteering.

It is worth noting the distinction at the outset between the gun-for-hire lobbyist who sides with whoever pays, or the corporate lobbyist who might operate a range of seductive vote buying campaigns, and the dedicated, issue driven lobbyist whose political affiliations, whatever they may be, are clear and whose loyalty is consistent to a chosen client.

This is characteristic of the kind of legislative advocate you will find representing county government. The lobbyist is retained. They work for you.

## **WHY DO WE NEED A LOBBYIST ANYWAY**

Necessity - lobbyists have so suffused the culture of the legislature that that they often seem to be part of the government itself. They are very effective. The sheer pervasiveness of lobbying has a major impact on government policy. It is this sheer pervasiveness that warrants our involvement in the process if we are to defend our interests.

Complexity - all our social services programs are driven by state and federal legislation. This can be highly complex on all levels and there are recurring opportunities to be involved in the decision making. The lobbyist has the know-how and the contacts to make sure the decisions are not made without our input.

Funding - perhaps the most critical element of all is the fact that all county funding is controlled by the state. This foists upon the agency a real need to be active at the state level since that is where the funding decisions are made.

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Individual needs - each county has unique needs.

Alameda County administers all its own programs compared to the degree to which other counties contract out their responsibilities. This may require additional funding. When CalWORKs was being considered by the legislature a major negotiation took place on the issue of local flexibility which pitted the counties against the state bureaucracy. Lobbyists conducted these negotiations.

Scope of legislation - it is safe to say that of the three or four thousand bills introduced in a legislative session, at least half have a direct impact on county government. It is also safe to say that of these, a third or more are directly concerned with the business of social services agencies. In short, the social services agency needs a lobbyist to wade through this mass and monitor events and the lobbyist needs county expertise to assist in the task.

The office of the state legislative advocate

It is said that the best lobbyists know the most people and are the most informed about everything from the timing of legislative action to the inclinations of individual policymakers.

This sentence could aptly describe Alameda County's retained advocate, the office of Lynn Suter and Associates. Suter and Associates represent major clients, including Alameda County, Ventura County, the city of Berkeley, AC transit, Oakland public schools, Greyhound buslines and the Alameda county transportation authority.

Their office is located at I th and L streets in Sacramento, a short stroll across the lawn from the Capitol building. The office is currently staffed with three full time registered lobbyists in addition to Ms. Suter, and supported by a team of three legislative assistants, two administrative staff, two interns and a clerical assistant.

Suter and Associates was established in the late seventies and has been representing Alameda County since 1988. The commitment to local public entities derives from Ms. Suter's activities in former years as an activist in political campaigns and local politics in the Oakland area.

## **THE ACTIVITIES OF THE COUNTY LOBBYIST**

The central activity of the lobbyist is monitoring what goes on in the Capitol, including tracking bills and watching legislative and budget committees. The lobbyist interprets, predicts and analyses trends, activities and events and the actions of the Governor and leadership of the legislature.

The schedule of activities is determined by the legislative calendar. When the budget is late, the summer recess is delayed. When the floor session being monitored is at the end of the year, the day can go to the small hours. When a bill of interest is in a busy committee the day may finish at two PM or at midnight.

The work of seeking an elected member to carry a bill for a client coincides with the Fall recess period, as members prepare for bill introductions to meet a deadline in late February.

The day begins in any lobbyist's office with a review of what bills are being heard in what committee that day, and a review of what other policy meetings, task forces, hearings and workgroups need to be covered. The schedule can often be interrupted by unforeseen events. The legislature publishes a "Daily File" which contains every event for the day and also the forthcoming week. With daily file in hand, the advocate prints a list from their own bill file which matches bills of interest with the daily calendar. The lobbyist develops a bill file for each client, and frequently the bills are scheduled for committee hearings at the same time. (The agency legislative staff develops this list for the lobbyist).

Prior to hearings on bills, the lobbyist has established the ground work of getting letters out to all committee members who will vote on passage of the bill out of their committee. If there are insufficient votes to get the bill out, the bill is effectively dead.

The lobbyist attends a regular Monday morning caucus conducted by CSAC, essentially a gathering of lobbyists with shared interests in county matters, from Social Services to the Sheriff. This forum is used to join forces on issues, and to make others aware of one's issue. The lobbyist will seek support at these meetings from other lobbyists representing other counties or county associations in time for action on bills the county has sponsored, or other matters.

During committee time, the corridors of the Capitol are thronged with advocates and experts going from one committee hearing to another, in an effort to be in the right place at the right time. At the committee hearings, the lobbyist may have lined up a constituent to speak on the issue. This can be a person from the county who knows the issue, or a recipient of social services, or an expert who can effectively argue in opposition if that is the objective. However, most often the lobbyist is the speaker. She makes sure she is present when the bill is called, identifies herself as from the office of Lynn Suter and states the official county position on the bill.

The lobbyist attends work groups and task forces, where the client's viewpoint can be argued and the way the legislature is leaning on an issue can be discerned. The work of having input into this process means sitting at hours of these workgroups and task forces, listening and taking the opportunity to represent the county social services agency. The lobbyist also attends budget hearings and can submit budget requests obtain state funding or advance notice of a fiscal issue.

In Alameda County, the lobbyist delivers a weekly report by conference call to the Board of Supervisors at a public meeting attended by county staff, focusing on events that week in the legislature that are of interest to the county.

Another useful activity coordinated by the lobbyist might be meetings between county personnel and elected officials and elected members of the legislature to address key issues of the year.

The lobbyist conducts an official visit to the county each year in the Fall to meet with each department, the office of the county administrator and members of the Board to discuss a

legislative agenda for the next year and decide on what bills the county will sponsor. The advice of the lobbyist is the key factor in analyzing issues for suitability as legislative bills on their own merit and in light of the political climate.

## **WHERE WE FIT IN**

To be effective, the lobbyist needs a two way street of communication with the Agency. In short, the lobbyist gets input from the Agency, then relays the information through negotiation efforts and, in addition, educates the county legislative delegation (all the area's elected members) on the issues. To be most effective, the social services agency must see itself as a link in the chain of the lobbying process. The lobbyist links with collaborators who have a shared interest in the issue. The county agency in this way is part of a group concerned with the issue. Instead of one letter or two to a committee, we now have a dozen from various sectors.

One of the most valuable aspects of the agency's role however, vis-...-vis complementing the lobbyist, is to get the legwork done at home: drafting the letters, calling potential witnesses. doing the research, knowing who the possible adversaries are and exactly what they might have to say.

This is especially important because the lobbyist has limited resources:

- The county's lobbyist represents all county departments as well as the other interests of the county and the business of the Board Of Supervisors.
- The lobbyist has other clients.
- The lobbyist has a lot to cover. There is much going on in the legislature and they cannot be all places at once.
- The lobbyist has a limit to available staff time in their office.

Finally, each county has a mechanism for obtaining Board approval for action on bills and authorizing the actions of the county lobbyist.

In Alameda County a weekly Monday afternoon committee. (Called the P.A.L. committee) meets on legislative activity and is chaired by a Board member and attended by two members of the Board. (This is where the weekly conference call report described above is delivered).

The social services agency refers all bills and matters requiring legislative activity to the P.A.L. committee with a recommendation on the desired position of support or oppose. or suggested amendments. The committee adopts the recommendation and the full Board ratifies the position at its next meeting. The lobbyist is then authorized to act officially and county staff who have input and business connected to the matter can freely advise the lobbyist and work on the issue.

## **THE BENEFITS OF LOBBYING FOR COUNTY WELFARE DEPARTMENTS**

By effectively utilizing the skills of the lobbyist County social service agencies can:

1. Create state policy and change or introduce law, and otherwise impact government policy.
2. Create programs to provide a new or improved service to clients by enacting new law or accessing the budget process. Expand an existing program. Secure new or increased state funding for a new or existing program.
3. Reduce the imposition of unfunded mandates on local staff and concomitant county costs.
4. Express independent county viewpoints which might not correspond with those of affiliated organizations such as CSAC, CWDA.
5. Inform the legislature of the impact of their actions and have a decisive voice in the decisions that affect us.
6. Develop best practices and pursue goals
7. Lead.

## **PARTICIPATING IN THE LEGISLATIVE PROCESS**

It is worth re-emphasizing here that no lobbyist can be ultimately effective without the client's input. The more input, the more impact. Social services staff knows best whether and how a particular bill will impact their program. Any agency will benefit from the development of a mechanism for determining what is priority legislation and for program staff review and analysis of priority legislation.

The next step is to adopt an internal agency position according to how the bill is expected to affect the agency's practices and policies and seek the official endorsement of that position from the Board of Supervisors. That endorsement is what drives the activities of the lobbyist and without it the lobbyist cannot act.

Once this process has been carried out, the lobbyist has a set of priorities on their radar screen which drives their activities. What tends to happen in the absence of this process is that one or two controversial bills get attention. A year later when agency staff realizes there is an unfunded mandate imposed upon them, it is too late to take action and attempt to argue in opposition.

It is enormously helpful to the lobbyist when the agency's legislative staff actually drafts the letters stating the county position, in which statements on the impact of legislation can be made with real meaning and knowledge. The lobbyist's staff then uses the narrative and may re-write the letter in a format used by the county, and determine who should be copied. This usually means a long list of recipients, and the lobbyist's staff does the work of getting these letters to the right person at the right time and to the right location.

The impact of letter writing to the legislature should never be underestimated. What is a lost art for the rest of us is one of the principal mechanisms by which support and opposition on bills is registered and counted in the legislature. An official tally of support and opposition based on letters received is published in the committee and floor analyses that are used by the elected members to understand and vote on the bill. Members of the Assembly and Senate often look at this list of support and opposition in deciding how to vote on an issue.

Finally, it is the lobbyist who actually `shops' for an elected member to carry legislation for the department. The lobbyist makes an arrangement with the County's elected members to reserve a number of bill slots for county bills, and approaches the lawmaker with the proposals which have been researched and developed by the department.

## **CHART OF THE YEAR**

When to act to ensure effective coordination with the work of the lobbyist for maximum results

### **August - September (or all year)**

AGENCY IDENTIFIES NEED FOR AN ACTION (CHANGE OR NEW LAW OR FUNDING)

### **October - November**

WRITE SPECIFIC LEGISLATIVE PROPOSALS AND AGENDA FOR THE NEXT LEGISLATIVE YEAR FOR SUBMISSION TO THE BOARD OF SUPERVISORS

### **November - January**

THE COUNTY LOBBYIST `SHOPS' FOR AN AUTHOR (AN ELECTED LEGISLATOR) FOR BILLS

### **February - March**

BILLS ARE INTRODUCED BY LATE FEBRUARY DEADLINE; ALL BILLS ARE READ AND AGENCY STAFF REVIEWS AND PRIORITIZES

### **March - May**

LOBBYING COMMENCES IN EARNEST NOW IS THE TIME FOR AGENCY TO WRITE LETTERS FOR THE LOBBYIST TO DISTRIBUTE, ATTEND COMMITTEE HEARINGS TO TESTIFY ON BILLS, WORK WITH OTHER COUNTIES. BILLS MAY DIE IN A POLICY OR FISCAL COMMITTEE NOD' IF THERE ARE INSUFFICIENT VOTES OR THE BILL IS CONTROVERSIAL.

### **Mid March to April**

ONLY OPPORTUNITY TO GET ACTION ON AGENCY INTERESTS IN THE BUDGET PROCESS. LOBBYIST MONITORS THE BUDGET PROCESS AND SUBMITS BUDGET

REQUESTS CONTINUE TO MONITOR PROGRESS OF BILLS FOR CONTINUED LETTER WRITING AND ACTION WITH LOBBYIST PROCESS FASTER, IT CAN GO TO THE GOVERNOR FOR SIGNATURE ANYTIME ALL BILLS BECOME LAW ON JANUARY 1st.

### **May - September**

AGENCY LEGISLATIVE STAFF AND LOBBYIST MONITOR BILLS PROGRESSION THROUGH COMMITTEES AND FROM ONE HOUSE TO THE OTHER. CONTINUE LETTER WRITING CAMPAIGN TO HELP BILLS GET OUT OF COMMITTEES.

### **September - October**

SURVIVING BILLS SIGNED INTO LAW OR VETOED

NOTE: IF A BILL GETS THROUGH THE PROCESS FASTER, IT CAN GO TO THE GOVERNOR FOR SIGNATURE ANYTIME.

### **January**

ALL BILLS BECAME LAW ON JANUARY 1<sup>st</sup>

## **RECOMMENDATIONS**

Alameda County has been in the process of developing a legislative strategy. To date, the Agency has followed the recommendation of Linda Kretz, Director of the Department of Adult and Aging Services, who undertook this BASSC executive development program some years ago, and wrote her case study on Santa Clara county's legislative program. She recommended that Alameda County, as a first step, hire a Legislative Analyst as phase one of a strategy to develop a strong legislative program.

### **The following are recommendations for a phase two:**

1. Expand the agency's legislative function: additional legislative staff is needed to create a unit that is equipped to deal with specialty areas of legislative work, to cover both state and federal matters, write analyses, maintain a bill file, write legislative update reports for staff, attend meetings and hearings in Sacramento, research and handle sponsored bills and ensure that all the necessary tasks associated with an effective legislative agenda can be carried out.
2. Structure the internal bill review process by assembling an ongoing legislative team for each department for regular calendared meetings. The teams should be staffed with individuals who can conduct technical bill analyses and make recommendations on the adoption of official county positions.

3. Increase the number of bills sponsored by the Agency in a legislative year to maximize the achievement of critical policy objectives.
4. Educate staff and managers on the existence of and the appropriate and effective use of the county lobbyist and the legislative process.
5. Use the Agency's new development of a County intranet to link staff to the Agency's legislative bill file and allow internet access to as many staff as possible.
6. Install Adobe Acrobat reader on the PC's of all staff who have access to the internet. Bills can then be sent electronically by email for review directly from the Agency's bill tracking system, saving paper and time. Staff can also keep an electronic file of these bills for reference, and forward them to others.

## **CONCLUSIONS**

Lobbying is a multi-faceted endeavor and a mammoth operation. This paper discussed state lobbying only as it affects county social service agencies. The equally important task of monitoring federal legislation and working with the Washington DC lobbyist has not been discussed here.

The lobbyist has limitations on the extent to which activities in the Capitol can be covered. There is a limit imposed by the number of staff and hours in the day available. The social services agency can greatly increase the effectiveness of the work of the county lobbyist by actively participating in the process. To this end, the agency is itself a lobbyist and will, in effect, perform many of the same tasks and functions as the hired lobbyist in making efforts to achieve its aims.

There is increasing need for effective lobbying as government responds to the demands of the legislature and the public to be more efficient, accountable and productive. In response, social services agencies must make demands on the legislature to assist them in pursuing these goals and in achieving the mandates delivered to them by the lawmakers.

The agency has the expertise available to effectively argue its case and there is ample opportunity to put this expertise to work beyond the implementation of programs, by using our lobbyists to carve out funding and policy that make our systems work better.