

Agenda Item Number 11.A.

LCOG Bylaws Amendment--Advocacy

Presenter: George Kloeppel

Action Recommended: Adopt Amendment

Background:

An amendment to LCOG's Bylaws requires a 2/3 affirmative vote of the Board at a meeting with a quorum present. A 30-day advance notice of a proposed Bylaw amendment is also required.

Last May, the Board modified its policy regarding advocacy by passing Resolution 2003-03. Essentially, the new policy tightened the approval process required prior to an advocacy position being communicated to state, federal or local legislative bodies. However, the Resolution was not altogether consistent with the existing Bylaws of the organization, which were last modified in 1997. The Bylaws change recommended under this agenda item would bring the Bylaws into consistency with the policy position taken by the Board last spring. Notice was sent via e-mail to the Board of Directors on January 23 announcing that such an amendment would be before the Board at the February 26 meeting.

Recommendation:

It is recommended that the existing language of Section 10 in the Bylaws be deleted and replaced with new language consistent with Resolution 2003-03.

Current language proposed for deletion:

10. Advocacy

The Board of Directors is responsible for establishing and communicating LCOG policies and policy recommendations. Advisory committees, established by LCOG, and members of the agency's staff are precluded from directly advocating legislative positions to state or federal lawmakers without policy level approval. When time constraints make formal approval of advocacy positions by the Board impossible,

the Executive Committee is empowered to establish and communicate an agency position to legislative bodies. If neither the Board nor the Executive Committee can convene and deliberate upon a proposed advocacy position in a timely manner, the Chair is empowered to express the agency's position to state or federal legislative bodies. Communication of recommendations to state or federal executive agencies need not be formally approved by the Board, but does require the approval of the Executive Director or his/her designee.

Proposed new language:

10 Advocacy

The Board of Directors is responsible for establishing and communicating LCOG policies and policy recommendations. Advocacy positions generated as recommendations by advisory committees, member agencies, or LCOG staff are to be endorsed or authorized by the Board of Directors before they are communicated to other levels of government. When policy-level approval has been given, ongoing oral or written advocacy can be conducted by staff or advisory committees without further Board approval. When time constraints make formal approval of advocacy positions by the Board impossible, the Executive Committee is empowered to establish and communicate an advocacy position to legislative bodies. When authorization has been granted by the Executive Committee alone, a report of such authorization will be made to the full Board at the earliest possible time.

The primary elements of the policy that would be changed are (1) the preclusion of the Chair's independent action and (2) the affirmation that staff is authorized to provide or reinforce ongoing advocacy, once policy level approval has been granted. Last spring's Resolution was silent on the subject of advocacy directed to executive agencies; and hence, this proposed amendment of the Bylaws is similarly silent. The current Bylaws provision (proposed for deletion) requires Executive Director approval for such communications. Absent direction to the contrary, it would be assumed that such would remain the case.

The Board is encouraged to adopt the proposed change. It is expected that an Executive Committee recommendation to that effect will be communicated to the Board at the meeting.