

## **SECTION B: PROPOSED PROGRAM APPROACH**

This proposal is submitted by Nielsen Merksamer Parrinello Gross & Leoni LLP (Nielsen Merksamer) for consideration by the City of Visalia (City).

Nielsen Merksamer is a law firm specializing in government and political law and related litigation. We are organized as a limited liability partnership and have grown steadily in our governmental advocacy practice over the last approximately 30 years. We currently represent approximately 80 clients in the legislative and regulatory arenas in Sacramento, including 13 local government entities, and multiple "Fortune 500" companies, health care interests, and various non-profit associations.

Nielsen Merksamer has proudly represented the City of Visalia in Sacramento for the last five years, advocating for the city on a wide range of issues in both the legislature and at many executive branch agencies. As a result of the breadth and diversity of our client base, we are at the forefront of many major issues in this State. We are currently involved in matters ranging from transportation and government finance to water policy and health care.

Our firm prides itself on a thoughtful, substantive approach to legislative advocacy, relying on our legal and strategic skills as well as the credibility we have developed over the years. Nielsen Merksamer provides both the expertise and the solid relationships necessary to bring continued and additional success. We have considerable experience in forging coalitions to support our clients' interests, and are experienced in finding allies to assist our clients' legislative agenda.

Because members of the firm are from both political parties, all of whom have been active in politics and government for many years, we have excellent relationships with both sides of the aisle. Indeed, the ability to work well with Democrats and Republicans is a necessity in representing clients with a diversity of interests. Our depth of experience in government law issues is also important. Our firm's members include a former Chief of Staff to a Governor, a former Assistant Controller, a former Chief Administrative Office of the California State Assembly, a former Chief Deputy Legislative Secretary to a Governor, former consultants to several legislative committees, and members of the Attorney General's office, including a former Special Assistant Attorney General and Chief Assistant Attorney General.

Because of the issues raised by our existing clients, we work with almost all of the members of the Legislature and with most of the legislative policy committees on an ongoing basis. We also have substantial experience in the budget process as it affects local government. On behalf of local entities, we have been active in the fight to protect local

revenues and avoid additional mandates, and have also successfully lobbied hundreds of bills concerning public safety, health and welfare, redevelopment, transportation, and other local government concerns.

### **Annual Legislative Platform Development**

One of the cornerstones of our relationship with clients is our strategic development. To put it another way, we not only lobby for our clients, we develop a strategic legislative advocacy plan. We recognize that to represent the City's interests before the Legislature or a state agency, our best chance of success will be to describe and explain the entire context of the City's position; "the total picture." In order to do that, we delve deeply into the policy considerations that face the City, including working with key City staff to fully understand program considerations. We regularly work with our local government clients to develop each year's legislative priorities and work with individual staff members and Councilmembers to implement those priorities throughout the year.

Indeed, one of our first undertakings with the City of Visalia in 2011 was to work with city staff and the City Council to develop an annual "Legislative Platform." Each year, the platform has been reviewed and updated by department heads and city management and then sent to the City Council for their review and approval. The existence of the platform has proved an effective tool in providing a guiding post on numerous issues and allowing Nielsen Merksamer and city management to be flexible and respond quickly to legislation and other proposals.

### **Engaging in the Legislature**

We monitor all legislation introduced each year and all amendments to bills. We thus have the capacity to keep our clients informed on a daily basis. We stay in close touch with City staff regarding the progress of legislation of interest to the City and provide written updates and analyses as required. Because we are a law firm, we often draft legislation and work with Legislative Counsel in refining legislative language, and we provide research and suggestions to committee consultants analyzing bills. We can organize presentations to committees on all City-sponsored legislation, and either provide testimony at the committee hearings or arrange for city staff or a member of the City Council to do so.

Since 2011, Nielsen Merksamer has arranged and participated in numerous meetings with Visalia's state representatives, including Senator Jean Fuller, Assemblymember Connie Conway and Assemblymember Devon Mathis. During that time, we have also reviewed over 10,000 bills on behalf of the City of Visalia. During that period, we have identified over 1,500 bills that could have had an impact on the city and actively lobbied over 100 bills upon which the city took a position. In lobbying the legislature on bills of importance



to the City, we have testified at over 100 committee hearings (often to more than one committee on each bill) and have actively worked with the League of California Cities and other lobbyists that represent cities with similar interests. We have and will continue to attend weekly lobbyist coordination meetings at the California League of Cities office.

### **Engaging in the Budget Process**

Our work on behalf of our clients often takes us directly into the intricacies of the annual budget process and we recognize the budget process as an extraordinary avenue for dealing with clients' interests.

Nielsen Merksamer has engaged on several different issues and topics on behalf of the City of Visalia in the annual budget process:

- Lobbied for a more equitable distribution of housing funds to “medium-sized” cities.
- Annually called on to protect local law enforcement grant funding from being cut in the state budget.
- Monitored and worked with executive branch agencies to ensure bond and federal funds have been allocated in the state budget for grant and loan programs for the wastewater treatment facility, solar installation and other local water projects.
- Lobbied against efforts to end the Enterprise Zone program.
- Lobbied in favor of efforts to allow Visalia and other cities to recoup loans to redevelopment agencies, repayment of which was previously not allowed.

### **Engaging in the Executive Branch and Regulatory Process**

Often our work on behalf of our clients requires us to engage in the execution of programs and implementation of laws by the executive branch. Following bills through the legislature is only half of the “law-making process.” The adoption of rules and regulations by implementing agencies is often just as, if not more, important than the law itself. In addition, for previously enacted legislation and ongoing programs, understanding and engaging in executive branch actions and decisions can be vitally important.

Over the last five years on behalf of the City of Visalia, we have engaged on numerous occasions and on numerous issues with executive branch agencies, including the following examples:

- Public Utilities Commission – Tracked PUC proceedings and participated in meetings with PUC personnel regarding future electricity supply issues in the city of Visalia and the industrial park.

- Department of Water Resources – Arranged and participated in meetings with the City, Tulare Irrigation District and City of Tulare regarding Groundwater Sustainability Agencies and the Sustainable Groundwater Management Act.
- California High Speed Rail – Arranged and participated in numerous meetings with the leadership of the California High Speed Rail Authority on route designations, station placement and local planning grant funding.
- Homeless shelters – In coordination with Senator Shannon Grove’s office, facilitated conversations between the City and the California National Guard regarding the use of National Guard facilities as homeless and warming centers in the City.
- Cal Recycle – Spoke with Department personnel regarding recycling issues of interest to the City.
- Housing Funding – Researched and contacted numerous agencies regarding funding for housing and homeless issues available from Prop 86, Affordable Housing/Sustainable Community Development and the Strategic Growth Council.
- State Fire Marshall – Facilitated meeting between Chief Griswold and Cal Fire to discuss illegal fireworks and ongoing programs aimed at reducing the proliferation of illegal fireworks.
- Department of Public Health – Monitored CDPH announcements and orders and reported to the city at least weekly on state mandates throughout the COVID 19 pandemic.
- Go-Biz – Arranged and participated in discussions with Go-Biz staff regarding the City’s application to be designated as an economic development area for the New Employment Credit Program.

### **Aiding Visalia on Other Legal Matters**

In addition to the activities above, Nielsen Merksamer has also been a resource, and will continue to be, for the City on a variety of legal matters including monthly lobbyist reporting, issues related to redistricting and navigating the PUC process.

### **Objectives**

Specifically, our objectives in representing the City of Visalia would be as follows:

- Employ an aggressive, substantive lobbying approach and strive to achieve results that favor the City in the legislative and regulatory arenas.
- Represent the City in a manner that reflects the City and its citizens’ values – hard working, professional and with integrity.
- Position the City so as to enhance the City’s relationships and profile at the Capitol and in the executive branch.



- Enhance the City's relationship with its local Assemblymember and Senator, as well as with Assemblymembers and Senators from adjacent districts that share common issues.

### Tasks

To meet these objectives and based upon our review of the scope of work and our understanding of the issues facing the City of Visalia, we would perform the following tasks on an ongoing basis, with guidance from the City Council and in concert with the City staff:

- Continue discussions with City management and Department Heads on ongoing issues of concern including:
  - Infrastructure and Transportation funding.
  - Ongoing implementation of the Sustainable Groundwater Management Act.
  - Seeking out new funding for local affordable and homeless housing needs.
  - Seeking out new funding for other groundwater and wastewater treatment efforts.
- Develop a plan for the upcoming legislative session for how the City may best accomplish its own legislative goals as well as respond to the legislature and the Governor as they develop their policy initiatives.
- Provide strategic advice to best position the City with policy makers in the legislature and the executive branch.
- Monitor existing and new proposals originating from state agencies and departments. As requested by City staff, engage with departments or agencies to secure favorable regulatory outcomes for the City.
- Review all introduced and amended legislation and budget proposals for matters that may impact the City.
- Draft and secure amendments to pending legislation on an as-needed basis, in cooperation with City staff. Because most of the principals at Nielsen Merksamer are attorneys, we are able to provide our clients with substantive drafting and all the work we do on behalf of the City would be protected by the Attorney/Client privilege. In fact, we believe this is a function that distinguishes us from most other lobbying firms.
- Represent the City by testifying at legislative hearings, as appropriate, or providing written testimony and counsel to representatives of the City testifying at legislative hearings.
- Facilitate meetings with key contacts in Sacramento, as needed.
- Participate in key lobbying coalitions representing the City.
- Advise the City on potential grassroots activity.
- Assist with organizing meetings with elected representatives and executive branch officials on issues of importance to the City.
- In-depth legal analysis/advice on legislation and regulatory matters – Because we are a law firm, we have the capability, if necessary, to supply our clients with a

deeper understanding of the interaction between the law and regulatory decisions and the law and potential constitutional constraints.

- Lobbyist Employer Report Filing - Because the City is a "Lobbyist Employer" in California, there would also be some additional expense associated with proper reporting of the City's lobbying activities. Nielsen Merksamer has a political law unit which routinely tracks lobbying expenses and files the required reports with the Secretary of State on behalf of clients which desire us to do so.

### ***Meetings and Reports***

Nielsen Merksamer is accustomed to participating in weekly, biweekly, and monthly meetings and conference calls with the City of Visalia. We intend to continue with this practice. During the times of year when legislative business is at its height, the City might continue to find biweekly conference calls to be beneficial in coordinating our efforts. These calls will continue to be more frequent or less frequent depending upon the time of year and issues in which the City is involved.

Also upon the request of the City, Nielsen Merksamer would continue to participate in City Council meetings, giving in person reports to the City Council regarding legislative, regulatory and political activity in Sacramento.

We will continue to submit a regular written report on legislative activities to go out with our invoice at the first of each month. We will also continue to present a year-end report to the city council following the expiration of the period for the Governor to sign bills (October 15<sup>th</sup> in odd numbered years and September 30<sup>th</sup> in even numbered years).

Additionally, we will continue to legislative bill tracking services via State Net. The bill tracking is managed by staff at Nielsen Merksamer, who tailor bill tracking reports and hearing calendars for Visalia in a variety of formats. These can be sent electronically on a daily or weekly, quarterly, or monthly basis.

We would be open to discussing any additional milestones or benchmarks that the City may wish to receive.