

## **Conference Report: National League of Cities, March 2013**

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As always, this report does not cover everything I did at the conference, but highlights the most important information.

#### Lobbying activities.

This year, I focused on working to ensure that Sunnyvale has a fair shot at becoming the site for the new Silicon Valley US Patent and Trademark Office. I joined councilmembers Davis, Griffith, and Spitaleri on Monday, March 11, at the USPTO in Alexandria, VA, where they graciously gave us a tour despite our being 45 minutes late due to a breakdown of the DC Metro system while we were en route. Deputy Undersecretary of Commerce Teresa Rea gave us four specific recommendations:

1. Keep in regular touch with Silicon Valley Patent Office Director Michelle Lee.
2. Reassure Michelle about the quality of Internet access in Sunnyvale.
3. Ask Congressman Mike Honda to help us make our case.
4. Urge our local property owners to offer their lowest possible rental prices.

We proceeded to follow up on Item 3 by meeting with Congressman Honda on Wednesday the 13<sup>th</sup>. The Congressman agreed that Sunnyvale makes an excellent case for the office and promised to follow up with USPTO on our behalf. Councilmember Griffith offered to take care of Item 2, staff is presumably taking care of item 4, and we should all be following recommendation 1 (I certainly have).

Senator Boxer did not hold her usual town hall meeting for California city councilmembers, which was disappointing. Councilmembers Griffith, Spitaleri, and I got to meet with her for only about a minute. Senator Feinstein's office once again told us that the "regular" Wednesday morning California constituent meeting would not be held during the NLC conference, and so I complete my council service with a perfect 0% success rate, in 8 tries, at ever getting to meet Dianne Feinstein to let her know about Sunnyvale's concerns.

One of the sessions at the conference focused on how to lobby effectively for your city. Speaker Patrick Haggerty made the following points:

- The best time to lobby is when you don't need anything, and can just develop relationships.
- Be a good constituent. Write letters, know bill numbers, etc. Say "staff," not "aide." Have one spokesperson for a group (presumably the mayor).
- Be introduced, be brief, be gone.
- Coordinate with possible allies, and don't worry about who gets the credit.
- Be willing to compromise.
- Phone calls are most effective, with written letters second (they take ten days to deliver due to checks for anthrax/ricin etc.). Emails are the least effective.
- The best lobbyists are former Congressional staff members.
- 60% of Congressional staff turns over every year (so there are people available).

Transportation Infrastructure and Services (policy committee meeting).

The most useful portion of my Policy and Advocacy committee meeting was a discussion with Joseph Szabo, the head of the Federal Railroad Administration in the U.S. Department of Transportation. Administrator Szabo reported that Amtrak had a record on-time performance last year, due in part to better enforcement of the requirements that freight trains yield to passenger trains, which had been a terrible problem for the Coast Starlight line. Some may recall that I was able to get a policy position added to the NLC's lobbying points about five years ago to mitigate that problem, and it was very satisfying to learn that the previous situation has been improved.

Administrator Szabo did say, though, that fatalities caused by collisions between trains and cars or pedestrians in at-grade intersections is a continuing problem that is not getting better. The solution, of course, is grade separations, but those are very expensive. The two grade separations that Sunnyvale was hoping to receive from the state high-speed rail program are now off the table, due to opposition from some of our neighboring cities for any concept that could possibly include elevated tracks, which led to the current "blended" (i.e. at-grade, just like existing Caltrain) implementation plan. He encouraged me to look into Section 130 funding, as well as TIFIA loans, to get our grade separations done. [Section 130](#) refers to Title 23, United States Code, Section 130: Railroad/Highway At-Grade Crossings Program. [TIFIA](#) is the Transportation Infrastructure Finance and Innovation Act. I request that DPW staff look into these two programs to see if they can help us with our grade separations, since that appears to be on the administration's radar at the moment. Szabo reported that Senator Boxer's transportation bill, which we watched her driving through the Senate at this conference last year, included the ability to use highway funds for rail, but the House refused to adopt that portion of the bill, and it was "lost in conference" (when the House and Senate versions of the bill were reconciled).

One other memorable participant was John Smith, President and CEO of the nonprofit company [Reconnecting America](#), which provides planning assistance and consulting to help cities create transit-oriented developments. CDD might want to check with these people regarding the Lawrence Station project. Smith used to be the mayor of Meridian, Mississippi, which has an important Amtrak station. Congress through the 1980s and part of the 1990s tried to make major cutbacks to Amtrak. Smith said, "Meridian was burned to the ground by Sherman because of our railroads, so you can imagine our concern when people in Washington take an interest in our railroads. I called Trent Lott and said, 'Senator, the Yankees are after our railroads again.'" Meridian avoided the cutbacks.

An interesting fact provided at this session: The Acela Amtrak trains on the east coast have a farebox recovery ratio of 88%. For freeways, that number is about 40%. In other words, the users of the Acela pay a much greater fraction of the cost of the service than do people driving on freeways.

The [Center for Transportation Excellence](#) reported that they have been monitoring ballot measures to fund transportation over the last 12 years. Over that time, 72% of the ballot measures have passed. Last year, 80% of them did.

### Training seminar: Enhancing Council Effectiveness, Part I.

This seminar uses an approach referred to as “Friendly Style” profiles, which like others of this type divides everyone into four basic styles, and gives suggestions as to how to work effectively with people of each style. That can be a helpful approach, but the four styles described in this class (accommodating/harmonizing, achieving/directing, analyzing/preserving, and affiliating/perfecting) seem to have a lot of overlap; for those who have taken a lot of math, they did not seem to be orthogonal to each other. A better way of dividing everyone into four basic working styles in which the four categories really are independent of each other is [PeopleStyles at Work](#) by Bolton and Bolton, which I have used successfully. It locates people on two axes: assertiveness and responsiveness, and the four quadrants become the four styles: Expressive (high on both scales), Analytical (low on both scales), Amiable (low assertiveness but high responsiveness), and Driver (high assertiveness but low responsiveness). The book helps you determine which is your style, in case you don’t already know (I am an Expressive, for instance), and then shows you how to work most effectively with people of other styles. We have examples of all four styles on our council, so the techniques in this book, and to a lesser extent in this training class, can be helpful to those who wish to use them.

### Legal Cases of Interest.

This is always one of the most interesting sessions at the conference. A major topic was whether online travel companies (OTCs) can be compelled to collect hotel taxes and provide them to cities. There are multiple cases pending and those that have been decided have conflicting results. A second topic was the “FCC shot clock,” where telecom companies have lobbied the FCC to declare that if a city has not ruled on a cell phone antenna application within 45 days for a colocation and 75 days for a new tower, that the application should be deemed as having been granted. The two panelists who spoke on this issue disagreed on the likelihood of the city winning this case (City of Arlington v. FCC).

### Council Travel Budget

Staff has recently pointed out to me that item 25 out of a 27-item table on page 7 out of 40 of the city manager’s 2011 budget transmittal letter, acknowledging that council agreed to make Level 2 (more severe) budget cuts to mitigate the structural deficit that existed at that time, noted that the \$10.9 K travel budget cut that had been made for that year as a Level 1 cut would become permanent (annual). The previous budget per councilmember (except for the mayor) was \$6,675, apparently based on a calculation of the average cost to attend the three conferences that councilmembers have historically attended, plus a few miscellaneous expenses. (That calculation matches my experience; I have always been able to cover the three trips under that budget with just a bit to spare.) The 2011 budget cut was 14.0%, the basis for which I have not seen. There is no item in any of my expenditures over the last four years that represents 14% of the total. So this does not appear to have been a policy decision where staff recommended “Council should just not attend Event X;” it appears to have been “how about a 14% cut?” But given that each conference we attend, except the League of California Cities conference when it is in Northern California in alternate years, costs more than 14% of the former budget, the arbitrary 14% cut has no effect in years when LCC is local, and makes it impossible to attend all three conferences in years when LCC is in southern California, such as this fiscal year. Not having realized that, I was out of pocket about \$1,000 this year due to that budget cut.

Going forward, I suggest that council consider modifying the council travel budget. Rather than picking arbitrary numbers like “14% less than we used to allocate,” the city should employ the same approach that it does for other budget items: ask what it costs to perform this function, and set the budget accordingly. One option would be to have a travel budget that fluctuates between two different numbers based on where the LCC conference will be taking place. Another is to make a policy decision that henceforth councilmembers should not attend all three conferences even if their work schedules permit them to, a decision that would presumably involve some discussion of what value the residents get out of the expenditures. If council decides that councilmembers should not be participating in three conferences, then the budget can be adjusted accordingly, to ensure that they can attend how ever many conferences council deems appropriate. Or council could simply restore the 2011 cut and ensure that every year councilmembers can participate in all three conferences. Whichever option is pursued, the current situation where councilmembers are expected to provide value by participating in these training/best practices events and lobbying members of Congress, but in alternate years will not be allocated sufficient funds to do so, should be changed.

#### Travel Tip

I was finally able to follow a recommendation of a former councilmember from Bloomington, Minnesota, and visit the Udvar-Hazy Center, a part of the Smithsonian Air and Space Museum that is located next door to Dulles Airport. After checking my bag for my return flight, I took a cab to the museum, and was able to return by a Virginia Regional Transit bus that runs every 45 minutes. Therefore, rather than cooling my heels at the airport for two hours, I was able to see the space shuttle Discovery, an SR-71 Blackbird, the Enola Gay, and all kinds of other air and spacecraft exhibited in this enormous museum.