

# Connecting the Dots: A Discussion of the Structural Realities of Policy and Advocacy Efforts in Orange County

## A Brief Report

### BACKGROUND

Nonprofit providers – traditionally focused on service provision for community members at the local level – often struggle to engage in advocacy and policy work on behalf of their constituents. At the same time, many philanthropic organizations struggle with understanding the best and most impactful way to support policy work and the nonprofits that engage in that space. Philanthropic foundations also have been cautious about supporting policy work. In part this challenges stems from the misperception that doing so requires a move into partisan politics, and takes critical resources away from serving the needs of the community. Yet there is a growing understanding in the social and philanthropic sectors of the importance of policy and advocacy in effecting not only positive social change, but critical systems change.<sup>1</sup>

With system change as a goal, an increasing number of voices are calling for both nonprofits and foundations to engage in new levels of advocacy and policy work, and to commit to addressing root causes and structural barriers as well as service needs. But while policy work provides opportunities for increased impact, it has its own challenges and risks.

In Orange County, the dynamics of policy work are made even more complicated by the unique nature of the region. A diverse, vibrant metropolis of more than 3.1 million, Orange County is no longer the uniform suburban backyard of Los Angeles, as the region’s populace and demographics reflect a large diversity of opinions, urban challenges and economic needs. County leadership, directed by five supervisors, often has a different philosophy about the role of government than many of the 34 independent cities of the county, which makes it challenging to implement county-wide policies. Twenty-eight school districts cross city boundaries and represent their own self-governing systems serving the region’s children. A majority of regional nonprofits, founded primarily to serve the needs of city localities 40 to 50 years ago, are only now growing to regional scope and scale. In this fragmented system of government, nonprofits and foundations must play a critical role in helping community leaders understand the impact of their decisions and reminding the community of shared values and beliefs.

### INITIAL DISCUSSION

Recognizing these realities and the potential for impact, the **Alliance for a Healthy Orange County** and the **Orange County Funders Roundtable** convened a group of providers and funders in March 2018 to

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<sup>1</sup> For some examples in nonprofit literature, see *Forces for Good: The Six Practices of High-Impact Nonprofits*, by Heather Grant and Leslie Crutchfield, *A Voice for Nonprofits* by Jeffrey Berry and David Arons, and the National Council of Nonprofits’ “Nonprofit Advocacy Matters” publications.

discuss how they could collaborate to advance understanding of policy advocacy in Orange County. (Attendees are noted in appendix 1). The discussion explored the structural realities of doing this work in Orange County and worked to develop a shared understanding of the challenges facing both funders and providers. It also sought to begin the conversation around how funders and providers could coordinate with each other to identify investment opportunities and improve the effectiveness of these efforts. This white paper discusses the findings of this initial discussion, and captures the group's recommendations for building a foundation for effective policy work in the region.

## **TYPES OF POLICY WORK**

The convening began with a discussion of how policy development and service work together to effect system change, and of the importance of policy work in creating greater impact. Two graphic tools, the Two Feet of Faithful Service, from the St. Joseph Health Community Partnership Fund, and the Spectrum of Prevention, from the Prevention Institute, were shared to illustrate the value of policy work.

Two Feet of Faithful Service (shown in Appendix 2) demonstrates that direct service and social change work are both necessary to change society. The Spectrum of Prevention (shown in Appendix 3) drives home the point that prevention work is most effective when it is focused on high-level policy change.

To further guide the conversation, the five categories of policy work were outlined, with regional examples, as detailed below.

*Legislative:* When people talk about policy advocacy, the images that often come to mind are public demonstrations, petitions, letter writing campaigns, and phone calls to legislators, with the purpose of affecting legislation. Such campaigns have led to enactment of policy such as SB 54<sup>2</sup>, increases in the state's Minimum Wage and Laura's Law<sup>3</sup>. This legislative approach is an important vehicle for and purpose of policy advocacy as it is the only way to create new law for which compliance can be required. However, other approaches should not be overlooked.

*Fiscal:* A related form of policy work strives to affect fiscal policy, either through direct budget allocations or through voter approved tax initiatives that have led to the creation of bodies such as the Children and Families Commissions/First 5<sup>4</sup>, or set-asides (such as the Mental Health Act Proposition 63<sup>5</sup>).

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<sup>2</sup> SB 54 is officially known as the "California Values Act" but unofficially referred to as the "Sanctuary State" bill, and placed limits on cooperation between state and local agencies and the federal Immigration and Customs Enforcement agency.

<sup>3</sup> Laura's Law is a California state law passed in 2004 that provides for court-ordered assisted outpatient treatment for mentally ill and potential violent individuals. The law included a provision by which counties must opt-in to participation in the program; Orange County is one of 14 California counties that have done so.

<sup>4</sup> The Children and Families Commissions and First 5s were created statewide in 1999 by Proposition 10, which places a tax on tobacco products and directs the revenues towards programming that supports children ages 0-5. It passed via a statewide referendum, by a vote of 50.5% to 49.5%.

<sup>5</sup> Proposition 63 passed via referendum in 2004. It and Proposition 10 are two of only 4 tax increases to have passed via California referendum. It added a tax on revenue above \$1 million and directs the money to the Mental Health Services Fund.

Both of these approaches can be somewhat controversial as they necessitate taking a position that may sometimes alienate potential constituents or partners. Also, while 501c3s are permitted to advocate for policy in a non-partisan manner, such action is regulated and limited as a condition of their tax-exempt status, and both legislative and fiscal policy work requires expertise.

*Regulatory:* Less regulated is direct work around administrative or regulatory policy. This type of advocacy is usually performed less publicly, often through bureaucratic structures instead of political ones. While this type of policy advocacy cannot lead to the enactment of legislation, it often can influence already passed legislation in a substantial and important way.

*Organizational:* An often overlooked type of policy work focuses on organizational change. Local examples of influential organizational policies include several smoke-free campuses such as UC-Irvine, Cal State Fullerton, and Chapman, large companies such as St. Joseph Health committing to a living wage, and healthy default children's meals at Disneyland's restaurants. Organizational policies are often influenced from within, but outside advocacy can be brought to bear in some cases.

*Legal:* A more controversial policy approach involves the use of legal processes such as lawsuits to force policy change. This can often be directed at a governmental bodies, but can also be used to force policy changes on private organizations. As demonstrated by a survey of provider participants in the convening, many organizations are reluctant to engage in this kind of advocacy due to its cost in money and time, need for a specialized skill set, difficulty in enforcement, and potential for damaging relationships. However, it may serve as a best, last resort in certain cases. The removal of homeless individuals from the Santa Ana Riverbed is a recent local example<sup>6</sup>. While the ultimate outcome of this complex issue is still unclear at the time of this paper's release, it is clear that lawsuit brought by multiple organizations forced governmental officials to address the issue more fully than they originally planned.

These approaches can, and often should, be used in tandem or sequentially. For example, an organization can both advocate for legislative change while bringing a lawsuit to challenge an old law, and then drop the suit if their legislative advocacy bears fruit. Another group may settle for an imperfect law through legislative policy work, but then use fiscal or regulatory advocacy to address their concerns.

## **REGIONAL CHALLENGES**

Each of five these types of policy work have some specific challenges, but there are also common issues inherent to any policy work. Orange County also has particular characteristics which may add difficulty to such work.

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<sup>6</sup> Lawsuits were brought in federal court by Elder Law and Disability Rights Center and Legal Aid Society of Orange County on behalf of the Orange County Catholic Worker and homeless individuals. The suit was brought against the County as well as the cities of Anaheim, Costa Mesa, and Orange.

Typically, nonprofits may be reluctant to engage in policy work for several reasons:

- The misperception that nonprofits are not permitted to engage in policy work.
- A reluctance to add the necessary reporting on Form 990 to perform lobbying.
- Concerns that taking policy positions may alienate partners, funders, government officials, or constituents.
- Nonprofit board members may not be aligned with the policy goals that the staff wants to work towards.
- The difficulty in finding funding sources that support advocacy or policy work.
- Lack of the specialized skills or relationships required by policy work.
- The difficulty in measuring and demonstrating success.

Foundations and providers agreed that they have faced all of these challenges; in addition, they added several obstacles that were specific to working in Orange County and complicated their efforts to work towards social change.

- The fragmented governance structure of Orange County, which has 34 cities (and multiple unincorporated areas) and 28 school districts, with no dominant hub. As a result, policy work at the municipal level requires knowledge of and relationship building with multiple stakeholders and potential duplication of effort.
- This fragmentation is worsened by a disconnect between governmental bodies, as is evidenced with multiple cases of cities suing the state or county, or the county suing the state.
- Orange County is significantly polarized politically, so many policy issues can quickly become controversial. Furthermore, since the cities, county, and state governments often disagree on issues, it is difficult to find consensus, or solutions that can affect large parts of the county.

## **RECOMMENDATIONS**

To identify approaches to address these issues, convening attendees drew on their own experience, particularly reflecting on successful policy efforts they had been involved in. The ideas noted below are organized into broad categories. However, effective efforts should draw from multiple areas.

### *Strategic Communication and Messaging*

- Look for a way to change the narrative to be resonant with a broader part of the population. For issues that are controversial, it is often advisable to accept that some have hardened positions and instead focus on the “moveable middle.”
- Engaging with community members and having them tell their story can be very effective. It can empower communities and lead to more sustainable impact. Furthermore, it is harder for elected officials to reject their constituents’ experiences.
- Using data to highlight gaps, disparities, needs, and outcomes can also strengthen a narrative, and makes an argument harder to refute.

### *Partnerships and Collaboration*

- Spend time thinking about and identifying potential partners. Sometimes obvious partners could prove to be adversaries but potential allies go untapped.
- Policy work takes time to build relationships. Organizations must be willing to stay at the table longer and get beyond surface issues.
- Continue the conversation between funders and providers on policy work, which will lead to stronger relationships, more open discussion, and better alignment between funder and provider priorities.
- Encourage the collaboration of partners from different sectors that may have common goals in order to have increased influence. For example, housing, homeless, environmental justice and active transportation partners could work together toward common goals of a healthy community.

### *Structural Investments*

- Invest in staff with policy and communication experience to manage and publicize the work.
- Consider the collective impact model, which calls for a common vision, shared measurement, open communications, and mutually reinforcing activities.
- Explore the final aspect of collective impact: a backbone organization. An umbrella-like policy organization may allow for efficiencies by centralizing the resources needed for effective policy work. Furthermore, it could provide “cover” for organizations that are worried about damaging relationships by spearheading advocacy efforts.

Based on these recommendations, participants identified some practical steps that could be taken to better align with each other and help advance policy work in Orange County, including:

#### *Resource Development*

- Further collaborate on a shared communication strategy to coordinate effective messaging, which can be vital to persuading political leadership and communities alike, especially around controversial issues.
- Develop an asset map or other resource that captures who is engaging in policy efforts around which issue, to better identify partners and opportunities.

### **NEXT STEPS**

Both the Alliance and the Funders Roundtable want to ensure that this discussion is not an isolated conversation, but the beginning of a targeted effort to align efforts towards stronger policy work in the County. Perhaps the most important first step is to keep this conversation going. The combined voice of providers and funders, working towards shared policy goals, would be a powerful asset for realizing this goal. However, for that to occur they must first come together as partners and hold open, honest conversations on how they can overcome these barriers.

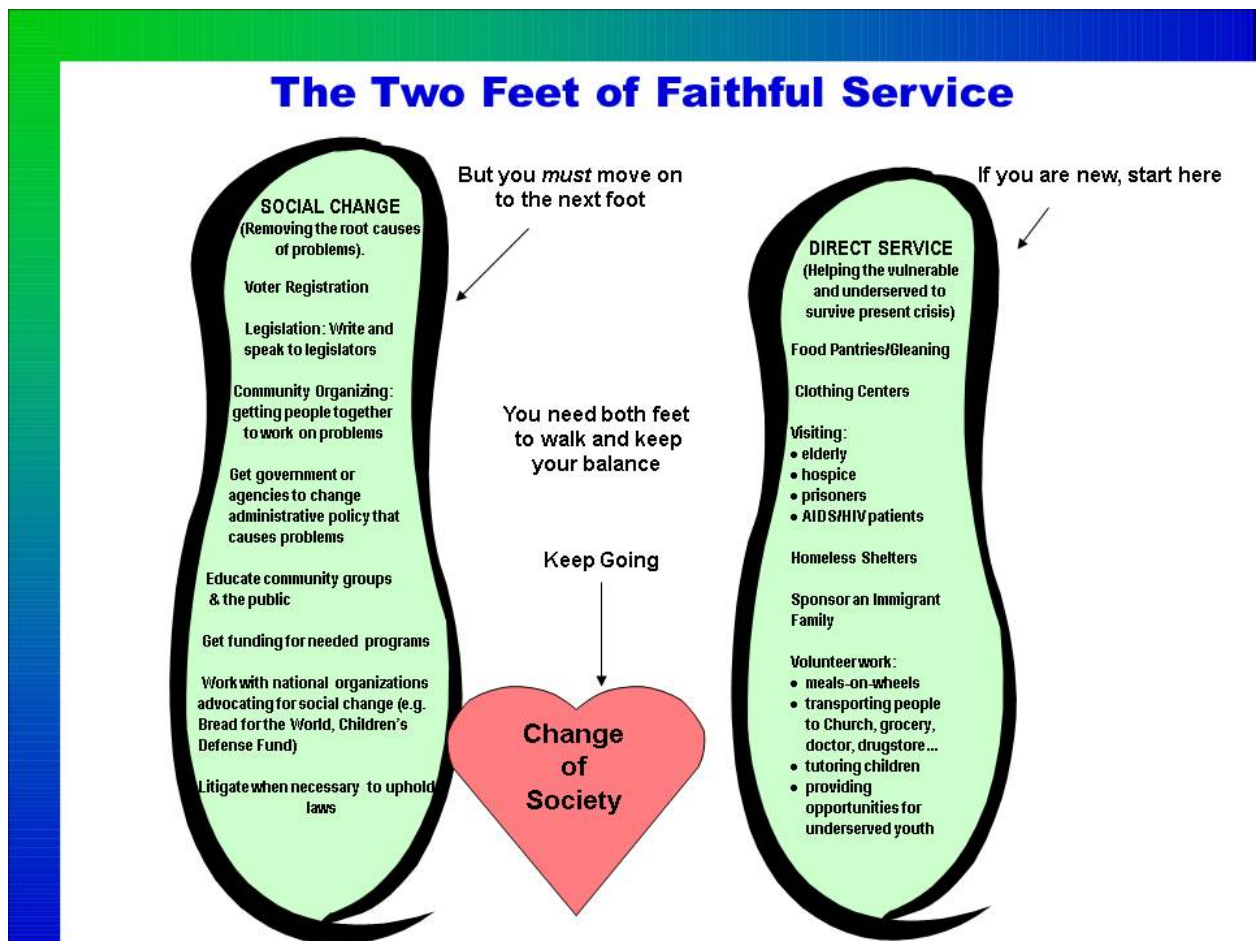
In addition to continuing conversation, the next necessary step is to support organizational shifts in mindset. Organizations must commit to “moving to the next foot” and embracing policy work. Board and leadership education on the value and legality of policy work may be needed to make all parties more comfortable in moving forward. This will require allocation of resources, financial and non-monetary. Again, collective action can help here. Providers will be more apt to move into the policy field if they know that funders support them, and that there are other, more seasoned, organizations that can provide technical assistance. Funders will be more likely to support policy work if they know that it will be done effectively, and in a way that will not expose the funders to controversy.

Engaging in policy work can have a great impact on communities. Orange County is ripe for systems change driven by a collective advocacy agenda. The challenge to its nonprofit and funder community is to take the first steps towards social change and a better county for all.

## Appendix 1: List of Participants

Alliance for a Healthy Orange County	Opus Bank Foundation
American Civil Liberties Union	Orange County Funders Roundtable
Children and Families Commission of Orange County	Orange County Congregation Community Organization
Community Action Partnership of Orange County	Orange County Food Access
Ersoylu Consulting	People For Housing
First Foundation	Public Law Center
Hoag Health Foundation	Safe Routes to School
Human Relations Commission	Santa Ana Building Healthy Communities
Jewish Family Foundation	Sisters of St. Joseph Healthcare Foundation
LGBT Center OC	St. Joseph Health Community Partnership Fund
OC Civic Engagement Table	Tarsadia Foundation
OC Women's Health Project	United Way Orange County

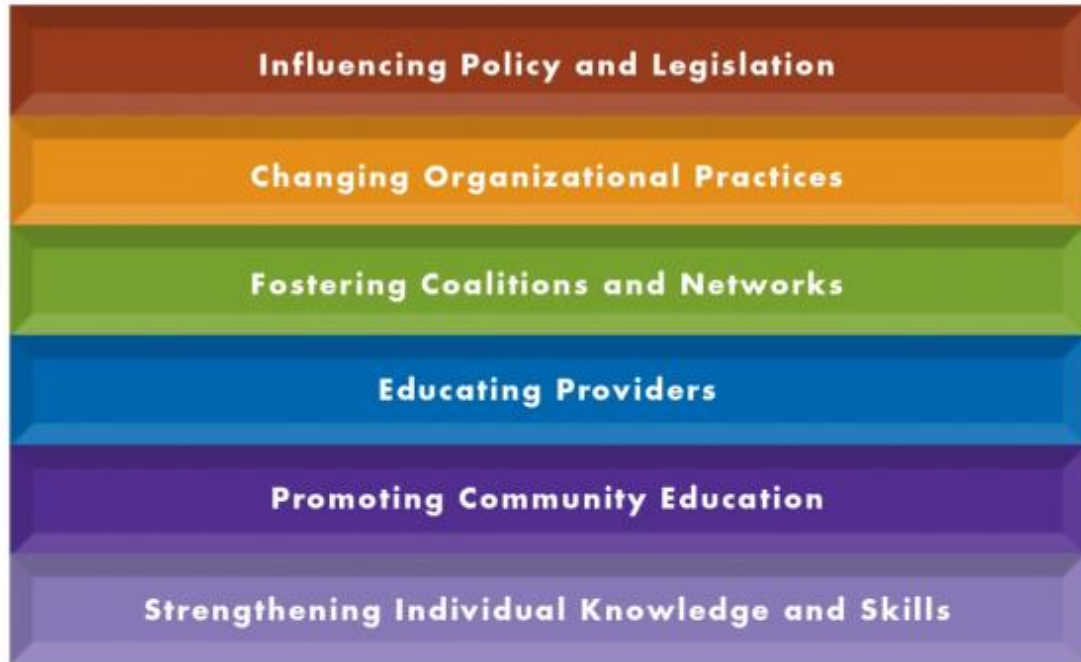
## Appendix 2: The Two Feet of Faithful Service



Developed by the St. Joseph Health Community Partnership Fund

**Appendix 3: Spectrum of Prevention**

## **THE SPECTRUM OF PREVENTION**



Developed by the Prevention Institute