

RESOLUTION No. 215271

Adopted on FEB 4 1976

BE IT RESOLVED, by the Council of The City of San Diego as follows:

That Council Policy No. 000-19 entitled "Legislative Policy Guidelines," be and the same is hereby established as set forth in the form of Council Policy filed in the office of the City Clerk as Document No. 754380.

BE IT FURTHER RESOLVED, that the City Clerk be and he is hereby instructed to add the aforesaid to the Council Policy Manual.

APPROVED: JOHN W. WITT, City Attorney

By *Robert S. Teaze*
Robert S. Teaze
Assistant City Attorney

RST:rb 011.1
1-9-76
Orig.Dept.: Legis. Repr.

MICROFILMED
MAY 23 1978

02320

City of San Diego, California
COUNCIL POLICY

754380

DOCUMENT NO. _____
FILED FEB 23 1976
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

Subject	Policy Number	Effective Date	Page
LEGISLATIVE POLICY GUIDELINES	000-19		1 of 12

BACKGROUND

Chapter II, Article 2, Division 19, Section 22.1901 of the San Diego Municipal Code provides that the Department of Legislative Representation shall, under direction of the Mayor and Council Committee on Rules:

1. Develop for City Council approval City legislative programs for the State and Federal legislative sessions.
2. Represent the City before State and Federal legislative and administrative bodies.

PURPOSE

The purpose of this policy is to establish general legislative policy guidelines for City representation before State and Federal legislative and administrative bodies. The legislative policy guidelines allow the Department of Legislative Representation to respond immediately to legislative issues during the regular session when time does not permit a full examination and discussion by the Rules Committee or by the full Council.

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02321

CONSUMER PROTECTION

BACKGROUND: Over the past several years, legislatures have shown heightened concern for consumer protection, specifically in regard to truth in packaging, labeling, advertising, disclosure of ingredients, health hazard warnings and full disclosure of consumer loan provisions. It is anticipated that efforts to broaden these provisions will continue with particular emphasis on educating the consumer about these recent enactments. All of these impose new enforcement responsibilities upon local agencies, however, effective consumer education can reduce some of the enforcement problems and their related costs.

REFERENCE: Legislative Policy Guidelines adopted 1-16-75 (Resolution #212452)

POLICY RECOMMENDATION:

It shall be the legislative policy of the Council with regard to Consumer Protection to:

1. Support efforts which provide the necessary funding for programs related to consumer education.
2. Support efforts which include enforcement provisions that specify penalties for criminal action.
3. Support efforts which designate the City Attorney as an enforcing officer for consumer complaints within the City of San Diego.
4. Support efforts to seek federal and state funds for consumer protection and education programs.
5. Support legislation which protects businesses from false or inaccurate charges which are damaging to those businesses.

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02322

CRIMINAL JUSTICE

BACKGROUND: Attempts to legislate the control of massage establishments by either state or local agencies have either been unsuccessful or have been struck down by court opinions. The State has preempted the field with respect to the criminal aspects of sexual activity.

In 1975, the City Council adopted a resolution supporting legislation that would prescribe fixed sentences for felony convictions.

REFERENCE: Resolution #213900 adopted 7-3-75 (SB 242)
Resolution #213315 adopted 5-15-75 (SB 42)
Police Department memo dated 12-2-75 from acting Chief Bill Kolender.

POLICY RECOMMENDATION:

It shall be the legislative policy of the Council with regard to Criminal Justice to:

1. Support efforts prohibiting the administration of commercial massages by one person to another of the opposite sex. (primary objective)
2. Support efforts which enable municipalities to enact ordinances regulating the criminal aspects of sexual activities without preemption by State Law.
3. Support efforts which would revise indeterminate sentencing provisions of current law and prescribe fixed and uniform sentencing for felony convictions.

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MAY 23 1978 02323

ENERGY CONSERVATION AND DEVELOPMENT

BACKGROUND: Over the past three sessions, the California Legislature has directed substantial efforts towards codifying restrictions for energy conservation, specifically those requirements relative to the insulation of buildings and the development of efficient energy systems within those structures. Much of the Legislature's attention will be the development of alternative energy sources; i.e., nuclear, solar, solid waste conversion.

REFERENCE: Legislative Policy Guidelines adopted 1-16-75 (Resolution #212452) City Manager energy memo of November 7, 1975 to the City Council

POLICY RECOMMENDATION:

It shall be the legislative policy of the Council with regard to Energy Conservation and Development to:

1. Support efforts which expand the cooperation between local, state, federal governments and the private sector in developing alternative energy sources via tax incentives or other means for the development of alternative energy sources.
2. Support efforts which enhance the development of solar and other non-fossil energy conversion systems as long range solutions to the present growing energy crisis.
3. Support efforts which establish in the City of San Diego an urban resource recovery plant for solid waste conversion at the City's old harbor sewage treatment plant site.
4. Support efforts to conserve existing energy sources by the establishment of efficiency and utilization standards.
5. Support efforts which require that state mandated programs, relative to the requirement of energy efficiency and utilization standards or modification of existing City structures, receive full funding in compliance with the provisions of SB 90, AB 2008 and AB 1375 as chaptered.

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02324

ENVIRONMENTAL PROTECTION

BACKGROUND: The California Environmental Quality Act of 1970 (CEQA) is now under serious examination by a community of interests within the Legislature. It is anticipated that the Legislature in the 1976 session will give substantial attention to amending CEQA to try and make the Act more effective in those areas where it is considered to be deficient. Those amendments will attempt to make the EIR process more efficient, faster and less costly for all parties.

REFERENCE: Legislative Policy Guidelines adopted 1-16-75 (Resolution #212452)
Planning Department memo of December 1, 1975 from James Gleason

POLICY RECOMMENDATION:

It shall be the legislative policy of the Council with regard to Environmental Protection to:

1. Support efforts which incorporate into the CEQA recent case law regarding findings and statutorily clarify the actions discretionary bodies may take in consideration of "overriding social and economic benefits."
2. Support efforts to amend CEQA to require that mitigating measures and project alternatives to eliminate adverse impacts be included in the discretionary body's findings.
3. Support efforts to amend CEQA to eliminate the requirement that analyses of social and economic impacts be included in EIR's but support continuing the requirement in CEQA that social and economic impacts be analyzed and considered.
4. Support efforts requiring that EIR's be prepared for general plans as well as individual projects.
5. Support efforts to improve and streamline the EIR process.
6. Support efforts which grant to local general purpose agencies the authority to execute local environmental plans, however, recognizing that local environmental plans can and should be coordinated with area and statewide guidelines.

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02325

FISCAL SUPPORT-REVENUE BASE

BACKGROUND: SB 90 of 1972 and the amendments thereto contained in AB 2008 of 1973 specifically requires state reimbursement for mandated programs as the trade-off for a ceiling on property tax rates. In fact, there have been numerous state mandates over the past two years without reimbursement. The Legislature has in each instance declared the cost, either minimal or simply continuations of existing programs pre-dating the enactment of SB 90.

Within the past year, the Legislature has also seriously considered preempting the City of San Diego Charter authorized utility users tax to fund programs deemed to be of essential state concern.

REFERENCE: Legislative Policy Guidelines adopted 1-16-75 (Resolution #212452)
State Constitution Article XI
CMP Fiscal Alternative Study

POLICY RECOMMENDATION:

It shall be the legislative policy of the Council with regard to Fiscal Support-Revenue Base to:

1. Support efforts to fully reimburse local agencies for state mandated costs resulting from legislation, administrative regulations or executive decisions by the Governor.
2. Oppose efforts to limit or narrow the local revenue base or to preclude the right of charter cities to expand their revenue base. Appropriate authority, responsibility and flexibility for financing essential community service must continue to rest with charter cities.
3. Support efforts which permit retention of a greater portion by local government of the revenue generated by the total federal, state, and local tax burden rather than having those revenues returned by subvention from federal and state government.
4. Support efforts by the League of California Cities and National League of Cities in seeking the reenactment of the Federal General Revenue Sharing Program.
5. Support efforts by the League of California Cities and others in seeking the formation of a State Revenue Sharing Program for local agencies without the addition of a State Income Tax surcharge.

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FISCAL SUPPORT-REVENUE BASE (Continued)

6. Support efforts to assist local governments by allowing them to pool their surplus funds if desired and fiscally advantageous in a state pooled money investment program.
7. Support efforts to grant local governments the authority to establish those types of taxes associated with a tippler's tax, a "barrel" tax or similar revenue generating authority.
8. Oppose efforts which allow the State to preempt those rights to levy taxes as authorized by the California Constitution and the Charter of the City of San Diego.
9. Oppose efforts which allow the State to levy a statewide utility users tax for the funding of State Programs.

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02327

HOUSING AND COMMUNITY DEVELOPMENT

BACKGROUND: Legislation enacted in 1975 created a State Housing Finance Agency to be funded with \$150 million from the State's General Fund as well as \$500 million from General Obligation Bonds if approved by the voters in June, 1976. These funds, combined with federal and local assistance could produce upward of 200,000 new or rehabilitated housing units for needy families of low and moderate income in California.

In 1976, the Legislature will be considering several measures which would diminish local decision making authority for funding and implementing redevelopment and rehabilitation projects.

REFERENCE: Legislative Policy Guidelines adopted 1-16-75 (Resolution #212452)
Council Policy (600-10, 600-18, 600-19, 700-5)
Engineering and Development memo dated 12-1-75 from James Spotts

POLICY RECOMMENDATION:

It shall be the legislative policy of the Council with regard to Housing and Community Development to:

1. Support efforts which enhance the balanced community concept for the City of San Diego.
2. Support efforts to develop State participation and support for creative programs to provide adequate housing for the elderly, handicapped, poor and middle income families throughout the community.
3. Support efforts which strengthen the decision making process by local elected officials and give Redevelopment Agencies additional flexibility for implementing local redevelopment and rehabilitation projects.
4. Oppose efforts which grant the State approval authority for the implementation of local redevelopment and rehabilitation projects, particularly with respect to the use of tax increment financing by local agencies.

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MAY 23 1978 02328

LAND USE PLANNING

BACKGROUND: In 1976, the legislation to require comprehensive statewide land use planning will continue to be a major policy issue relative to the State's role in controlling the local and regional planning process. Specifically, the Legislature is required to enact in 1976 all or part of the Coastal Plan created by the passage of Proposition 20 in 1971.

REFERENCE: Legislative Policy Guidelines adopted 1-16-75 (Resolution #212452)
Council Policy (600-series)
Adopted General Plan

POLICY RECOMMENDATION:

It shall be the legislative policy of the Council with regard to Land Use Planning to:

1. Support efforts to maintain existing law and expand local planning and regulatory authority over zoning, annexation and taxation.
2. Support efforts to strengthen the extension of land use planning to include the City's sphere of influence in such matters as the delivery of public services, annexation, condemnation, the dedication of land, zoning and the General Plan.
3. Support efforts which clearly define the State's advisory role in planning including the formulation of State planning guidelines, however, recognizing that such authority must not preempt authority already granted to cities.
4. Support efforts which recognize the need for parks in metropolitan areas and provide for State grants to local government for the acquisition of suitable land for parks in urban impacted areas.
5. Oppose efforts which restrict local agency authority to rezone or approve subdivision maps and those which limit the achievement of local planning policy objectives.

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MAY 23 1978

02329

PUBLIC EMPLOYER-EMPLOYEE RELATIONS

BACKGROUND: In 1975, the Legislature made repeated though unsuccessful attempts to repeal the Myers-Milias-Brown Act and enact a comprehensive public employer-employee relations law. In 1976, an election year, the labor relations issue remains unresolved and cloaked in political controversy leaving enactment of a comprehensive bill unlikely until 1977. Instead, it is anticipated that less controversial measures dealing with specific public employee issues such as premium overtime pay, reduced hours, staffing patterns or management rights will demand the Legislature's attention.

REFERENCE: Legislative Policy Guidelines adopted 1-16-75 (Resolution #212452)
Council Resolution #213904 adopted 7-3-75 (SB 4, AB 119)
Council Policy (300-6)
State Constitution Article XI-5a, b

POLICY RECOMMENDATION:

It shall be the legislative policy of the Council with regard to Public Employer-Employee Relations to:

1. Support efforts to protect the right of cities to establish public employer-employee relations regarding matters of hours, wages, employee benefits, meet and confer procedures, appeal procedures and management rights.
2. Oppose efforts to diminish any rights now reserved to the cities.
3. Oppose efforts which provide the expressed right of public employees to "strike" or public agencies to "lock out."
4. Oppose efforts to establish a statewide agency or board to administer employer-employee relations, compulsory and binding arbitration procedures and any delegation of authority to a third party who is not accountable to the local electorate.
5. Oppose efforts which impose restrictions on the scope and authority of charter cities to control their own retirement systems.

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MAY 23 1978

02330

TRANSPORTATION

BACKGROUND: In 1975, the Legislature enacted SB 101, Mills which created a Transit Development Board in San Diego County to plan, construct, and operate exclusive public mass transit guideways. The Board is authorized to assume the operation of San Diego Transit Corporation at any time after the first segment of an area wide guideway system enters revenue service.

REFERENCE: Council position on SB 101 and adopted Council position on December 18, 1975.

POLICY RECOMMENDATION:

It shall be the legislative policy of the Council with regard to Transportation to:

1. Support efforts which complete the remaining portion of the interstate system in San Diego County (I-15).
2. Support efforts which would structure the San Diego Transit Development Board in the following manner:

Primary Objective -

- a. One (1) member (non-elected official) to be appointed by the Mayor of San Diego.
- b. Three (3) members (non-elected officials) to be appointed by the City Council of San Diego.
- c. One (1) member (non-elected official) to be appointed by the County Board of Supervisors.
- d. One (1) member (non-elected official) to be appointed by the City Council's of Chula Vista, Imperial Beach and National City.
- e. One (1) member (non-elected official) to be appointed by the City Council's of La Mesa and El Cajon.

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MAY 23 1978

02331

(Rev. by Rules Com.)

SECRET

CONFIDENTIAL

EXHIBIT

EXHIBIT 1

EXHIBIT 2

EXHIBIT 3

EXHIBIT 4

SECRET

CONFIDENTIAL

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TRANSPORTATION (Continued)

3. Secondary Objective -

Support efforts which designate local elected officials as alternate members to the San Diego Transit Development Board and having full voting rights on all matters while sitting as an alternate.

4. Support efforts which would provide for the acquisition of the San Diego Transit Corporation as soon as financially feasible by the San Diego Transit Development Board.

5. Support retention of efforts to maintain AMTRAK services between San Diego and Los Angeles if relatively cost effective.

Item #5 was added to the Policy by Council Action on February 4, 1976.

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MAY 23 1978

02333

Passed and adopted by the Council of The City of San Diego on **FEB 4 1976**,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

By *Richard Martinez*, Deputy.

(Seal)

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 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number **215271** Adopted **FEB 4 1976**