R 77-1108

RESOLUTION No. 217593

Adopted on JAN 19, 1977

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 758097

Clerk as Document No.

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

Pohert & Tear

Assistant City Attorney

rb/011.1 1-4-77

265-B (REV. 1-72)

Orig.Dept.: Legis. Repr.

City of San Diego, California

COUNCIL POLICY

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| | LEGISLATIVE POLICY GUIDELINES | 000-19 | 1-19-77 | 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.

POLICY

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CONSUMER PROTECTION

BACKGROUND: The Legislature, with the support of the Governor, recently enacted measures giving non-professionals majority control over most state consumer protection boards. It is logical to anticipate sweeping, new regulations relative to consumer protection. New enforcement responsibilities may be imposed upon local agencies.

REFERENCE: Legislative Policy Guidelines adopted 2-4-76 (Resolution #215271)

POLICY RECOMMENDATION:

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

- Support efforts which provide the necessary funding for state mandated consumer education and consumer enforcement programs.
- 2. Continue to support legislation embodying the City Attorney as an enforcing officer for consumer complaints within the City of San Diego.
- 3. Oppose unnecessary regulation which imposes either additional taxes on taxpayers or additional costs on producers which are passed on to their consumers.
- 4. Support efforts to reduce the amount of time now required to approve general rate increase applications of public utilities, and oppose efforts to pass to the consumer the sought rate increase prior to approval by the P.U.C.

ENERGY CONSERVATION AND DEVELOPMENT

BACKGROUND: Over the past three sessions, the California Legislature has directed substantial efforts toward 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 toward the development of alternative energy sources; i.e., nuclear, solar, solid waste conversion.

REFERENCE: Legislative Policy Guidelines adopted 2-4-76 (Resolution #215271)

POLICY RECOMMENDATION:

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

- Support efforts to establish a national and statewide energy policy.
- Support efforts which expand the cooperation among local, state, and federal governments, and the private sector in developing alternative energy sources via tax incentives or other means for the development of alternative energy sources.
- Support efforts to responsibly develop nuclear power generating capability, including nuclear fuel reprocessing and nuclear waste disposal facilities.
- 4. 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.
- 5. 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.
- Support efforts to educate the public in ways to conserve existing energy sources by the establishment of economically responsible efficiency and utilization standards which do not pass any unreasonable costs to the consumer.
- 7. 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.

ENVIRONMENTAL PROTECTION

BACKGROUND: During the 1975-76 session, the Legislature enacted a measure

encompassing most of the Council Policy direction relative to

CEQA and the EIR process.

REFERENCE: Legislative Policy Guidelines adopted 2-4-76 (Resolution #215271)

POLICY RECOMMENDATION:

It shall be the legislative policy of the Council with regard to Environmental Protection to support efforts requiring that EIR's be prepared for general plans and community plans in order that such EIR's can be used to expedite the evaluation and processing of project EIR's without unnecessary procedural delay.

FISCAL SUPPORT-REVENUE BASE

BACKGROUND: SB 90 of 1972 and the amendments thereto contained in AB 2008 of 1973 specifically require 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 four years without reimbursement. The Legislature has in each instance declared the cost, either minimal or simply continuations of existing programs predating the enactment of SB 90.

REFERENCE:

Legislative Policy Guidelines adopted 2-4-76 (Resolution #215271) State Constitution Article XI

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 or federal mandated costs resulting from legislation, administrative regulations, or executive decisions.
- 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 governments 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.
- Support efforts to reimburse local agencies for judicial decisions which have an adverse impact upon local government and local taxpayers.
- 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.
- Support efforts to provide property tax relief to homeowners, renters, and senior citizens which would not increase the overall statewide tax burden, diminish local government property tax revenues, or shift government program costs from the state to local levels.
- 7. 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.

- 8. Oppose efforts to create a system of so-called "Split-Tax Rolls" which would lead to higher tax rates or higher rates of assessment than at present for any specific class of property.
- 9. Support the enactment by the United States Congress of a federal SB 90 through the coordinated efforts with the League of California Cities, National League of Cities, and the United States Conference of Mayors.

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.

These funds, combined with federal and local assistance, may produce upward of 50,000 new or rehabilitated housing units for needy families of low and moderate income in California.

REFERENCE: Legislative Policy Guidelines adopted 2-4-76 (Resolution #215271) Council Policy (600-10, 600-18, 600-19)

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 financial support for creative programs to provide adequate housing for the elderly, handicapped, poor, and middle income families throughout the community, including programs which would reduce construction and mortgage loan interest rates.
- 3. Support efforts which strengthen the decision-making process by local elected officials.
- 4. Oppose continuing efforts which grant the State approval or veto authority in the implementation of local redevelopment and rehabilitation projects, particularly with respect to the use of tax increment financing by local agencies.
- 5. Oppose state mandated referendum requirements for local housing and community development which would alter those contained in the San Diego City Charter.
- 6. Support efforts to explore the use of property tax abatement as an incentive for construction and ownership of housing designed to serve low income or handicapped citizens and as an additional tool for the promotion of redevelopment projects.
- 7. Support efforts to permit local jurisdictions to be able to assemble enough land, within a given area, so that operations of sufficient scale become feasible and can be returned to private development.
- 8. Support efforts to prohibit the so-called practice of "redlining" whereby financial institutions refuse to provide loans to geographic areas.

LAND USE PLANNING

BACKGROUND: The Legislature enacted a comprehensive measure to protect the California coastal resources which continues much of the Proposition 20 of 1971. A major effort will now be directed toward the protection of prime agricultural lands.

REFERENCE: Legislative Policy Guidelines adopted 2-4-76 (Resolution 215271)
Council Policy (600-series)

POLICY RECOMMENDATION:

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

- 1. Support efforts to strengthen the legal and fiscal capability of local agencies for implementing plans, including but not limited to the regulatory authority over zoning, annexation, and taxation.
- 2. Support efforts to strengthen the extension of land use planning authority 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 to clearly define the State's role and authority in land use matters—most particularly with respect to the distinction between rural and urban land uses, and the preservation of prime agricultural and other environmentally sensitive lands—recognizing that such state authority must not preempt authority presently granted to cities.
- 4. Support efforts to expand local agencies' authority to require land dedications and/or in lieu fee payments for the site acquisition and construction of public facilities as conditions precedent to the approval of tentative maps of subdivision.
- 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.
- 6. Support efforts to allow charter cities to initiate annexation of adjoining unincorporated areas.

LAW ENFORCEMENT AND CRIMINAL JUSTICE

BACKGROUND: The 1975-76 Legislature enacted bills fulfilling two of the goals

directed by the 1975 guidelines. One measure codifies local efforts to control the business of massage. The 59-year-old practice of indeterminate sentencing of convicted felons was abolished in favor of fixed sentencing. Opposite sex massage pro-

hibition did not receive similar favorable action.

REFERENCE: Legislative Policy Guidelines adopted 2-4-76 (Resolution #215271)

POLICY RECOMMENDATION:

It shall be the legislative policy of the Council with regard to Law Enforcement and Criminal Justice to support legislation that strengthens present state laws against prostitution and gives local governments the power to further restrict or regulate prostitution.



PUBLIC EMPLOYER-EMPLOYEE RELATIONS

BACKGROUND: Throughout 1975-76, the Legislature made repeated though

unsuccessful attempts to repeal Meyers-Milias-Brown and replace that act with a public employer-employee collective bargaining

law. That effort will likely be intensified in 1977.

REFERENCE: Legislative Policy Guidelines adopted 2-4-76 (Resolution #215271)

Council Policy (300.6)

POLICY RECOMMENDATIONS:

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.
- 6. Support efforts to establish separate safety standards (Cal-OSHA) compatible with the mission of public safety officers, and support efforts to obtain uniform enforcement of such standards by enforcement agencies throughout the State.
- 7. Oppose efforts to remove the prohibition against peace officers joining bargaining units not composed exclusively of peace officers.



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. The authority of the . Board as a near-term transportation planning agency was modified by the enactment of SB 1425 in 1976.

Council Policy relative to the structure of the SDMTDB was enacted in 1976.

REFERENCE: Legislative Policy Guidelines adopted 2-4-76 (Resolution #215271)
POLICY RECOMMENDATION:

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

- Support efforts to clearly define state, regional, and local governmental roles and responsibilities with respect to transportation.
- 2. Support legislative efforts which clearly establish the SDMTDB as a transportation planning agency for that area within the Board's statutory jurisdiction.
- Support efforts which would provide for the acquisition of the San Diego Transit Corporation as soon as financially feasible by the San Diego Metropolitan Transit Development Board.
- 4. Support efforts to increase the amount of funding available to the City for maintaining and/or improving our transportation system.
- 5. Support efforts to maximize local governments' discretionary authority to expend available transportation monies, and to reduce state review requirements of projects that are predominantly of regional or local significance.
- 6. Support efforts to provide funding that would complete the mission links of the primary (FAP) and interstate (FAI) highway system.
- 7. Support efforts to maintain and/or expand rail services to and from San Diego, both north and east of the City.

8. Support efforts to allow the use of tax increment bond financing for areas adjacent to transit stations as a method of financing the capital construction of mass transit systems.

WORKER'S COMPENSATION

BACKGROUND:

During the 1975-76 Legislative session, numerous bills were introduced regarding the entire area of Worker's Compensation. Because the State Worker's Compensation Fund is now in dire financial trouble, attempts will be made to shift more of the liability base for Worker's Compensation claims to the self-insured entities. If future legislation contains the formula in AB 1012 (Goggin), the greatest negative impact would be felt by cities that have been self-insured for less than 10 years. Promises have been made by certain members of the Legislature that this area will be thoroughly reviewed in the upcoming session.

REFERENCE:

POLICY RECOMMENDATION:

It shall be the legislative policy of the Council with regard to Worker's Compensation to:

- 1. Oppose legislative efforts to increase the City's liability base for Worker's Compensation claims.
- 2. Oppose efforts to preserve the State Compensation Insurance Fund at a direct or indirect expense to the taxpayer.
- 3. Oppose efforts to impose state controls over legally uninsured public agencies such as the City of San Diego.

VOTE ON MOTION TO ADOPT I - CONSUMER PROTECTION - AS AMENDED

| Passed and adopted by the Council of The City of San Diego on | | JAN 19 1977 | | | |
|--|---------------|-------------|-------------|--------|---------------------------------------|
| by the following vote: | | | | | · · · · · · · · · · · · · · · · · · · |
| Councilmen Gil Johnson Maureen F. O'Connor Lee Hubbard Leon L. Williams Floyd L. Morrow Tom Gade Joel M. Strobl Jess D. Haro | Yeas DEDEDED | Nays | Excused | Absent | |
| Mayor Pete Wilson | U | | | | |
| VOTE ON MOTION TO ADOPT II - | energy cons | ERVATION | AND DEVELOP | MENT | `• |
| Passed and adopted by the Council of The | a: /a = | • | JAN 19 18 | 177 | |
| by the following vote: | City of San D | iego on | JAN 19 K | 177 | ************ |
| Councilmen Gil Johnson Maureen F. O'Connor Lee Hubbard Leon L. Williams Floyd L. Morrow | Yeas Yeas | Nays | Excused | Absent | |

VOTE ON MOTION TO ADOPT III - ENVIRONMENTAL PROTECTION Passed and adopted by the Council of The City of San Diego on ______JAN 19 1977 by the following vote: Yeas Excused Absent Councilmen Nays Gil Johnson Maureen F. O'Connor Lee Hubbard Leon L. Williams Floyd L. Morrow Tom Gade Joel M. Strobl Jess D. Haro Mayor Pete Wilson VOTE ON MOTION TO ADOPT IV - FISCAL SUPPORT-REVENUE BASE - AS AMENDED JAN 19 1977 Passed and adopted by the Council of The City of San Diego on by the following vote: Yeas Councilmen Nays Excused Absent 四 Gil Johnson Maureen F. O'Connor Lee Hubbard

Leon L. Williams Floyd L. Morrow

Mayor Pete Wilson

Tom Gade Joel M. Strobl Jess D. Haro

VOTE ON MOTION TO ADOPT V - HOUSING AND COMMUNITY DEVELOPMENT - AS AMENDED

| nd adopted by the Council of T lowing vote: | The City of San D | ego on | | <u></u> |
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| Councilmen | Yeas | Nays | Excused | Absent |
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| ON MOTION TO ADOPT VI - and adopted by the Council of T lowing vote: Councilmen Gil Johnson | The City of San D | iego on | JAN 19 | |
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| ed adopted by the Council of Towing vote: Councilmen | The City of San D Yeas | iego on | JAN 19 | Absent |

VOTE ON MOTION TO ADOPT VII - LAW ENFORCEMENT AND CRIMINAL JUSTICE - AS AMENDED

| Passed and adopted by the Council of Th by the following vote: | e City of San Diego | on JAN 19 19 | 77 , |
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| Councilmen Gil Johnson Maureen F. O'Connor Lee Hubbard Leon L. Williams Floyd L. Morrow Tom Gade Joel M. Strobl Jess D. Haro Mayor Pete Wilson | Yeas 1 | Nays Excused C C C C C C C C C C C C C C C C C C C | Absent |
| VOTE ON MOTION TO ADOPT VIII Passed and adopted by the Council of Th by the following vote: | | JAN 1 | |
| Councilmen Gil Johnson Maureen F. O'Connor Lee Hubbard Leon L. Williams Floyd L. Morrow Tom Gade Joel M. Strobl Jess D. Haro Mayor Pete Wilson | Yeas Yeas | Nays Excused | Absent |

VOTE ON MOTION TO ADOPT IX - TRANSPORTATION - AS AMENDED

| Passed and adopted by the Council of The City of San Diego on by the following vote: | | | JAN 1 9 1977 | | |
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| Councilmen | Yeas | Nays | Excused | Absent | |
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| Tom Gade | | | | | |
| Joel M. Strobl | | | | | |
| Jess D. Haro | | | | | |
| Mayor Pete Wilson | | | | | |

VOTE ON MOTION TO ADOPT X - WORKER'S COMPENSATION

| Passed and adopted by the Council or the following vote: | of The City of San Die | ego on | JAN 19 19 | 77 |
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| Councilmen Gil Johnson Maureen F. O'Connor Lee Hubbard Leon L. Williams Floyd L. Morrow Tom Gade Joel M. Strobl Jess D. Haro Mayor Pete Wilson | Yeas D D D | Nays | Excused | Absent |
| AUTHENT | FICATED BY: | | PETE WILSON | |
| | duna saudana | Mayor of 7 | The City of San Dieg | |
| (Seal) | | | EDWARD NIELSEI | |
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