

RESOLUTION No. 220343 (R-78-1204)

Adopted on FEB 22 1978

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. 764893.

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 Paul E. Robinson  
Paul E. Robinson  
Deputy City Attorney

PER:sml:011.1  
12-28-77  
Or.Dept.:Leg.Rep.

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City of San Diego, California  
COUNCIL POLICY

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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.

DOCUMENT NO. 764833

FILED NOV 6 1978

OFFICE OF THE CITY CLERK

SAN DIEGO, CALIFORNIA

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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## CONSUMER PROTECTION

BACKGROUND: It is logical to anticipate new federal and state regulations relative to consumer protection. New enforcement responsibilities may be imposed upon local agencies.

(revised) REFERENCE: Legislative Policy Guidelines adopted 1-19-77 (Resolution #217593)

## 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 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. 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.
  4. Oppose efforts to eliminate the insurance practice of territorial rating when determining insurance premiums, including but not limited to automobile insurance. (#217925)
- (revised)

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## ENERGY CONSERVATION AND DEVELOPMENT

- (revised) **BACKGROUND:** Over the past several 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. In addition, the legislature has approved a pilot water conservation study, consisting of the purchase, distribution, and installation of various water-saving devices in test areas throughout the state, including San Diego. Much of the legislature's attention will continue toward the development of alternative energy sources, i.e., nuclear, solar, solid waste conversion; as well as the conservation of existing resources. Of concern is the legislative interest in solid waste management and attempts to add more restrictions to the City's collection and disposal of its waste and the addition of new reviews and permits that must be granted by the state or County.
- (revised) **REFERENCE:** Legislative Policy Guidelines adopted 1-19-77 (Resolution #217593)
- POLICY RECOMMENDATION:**
- It shall be the legislative policy of the Council with regard to Energy Conservation and Development to:
- (revised) 1. Support efforts to establish a national and statewide energy policy which encourages both conservation and maximum production of energy from all sources.
2. 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.
3. 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.
- (revised) 4. Support efforts which establish in the City of San Diego an urban resource recovery plant for solid waste conversion.
5. 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.
- (revised) 6. 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 intent of SB 90, Chapter 1135, Statutes of 1977.

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- (revised) 7. Support efforts to eliminate the duplication of enforcement programs reviewing solid waste operating facilities for compliance with state minimum standards.
- (revised) 8. Support efforts to provide non-categorical state funding to local governments for solid waste programs; including resource recovery.
- (revised) 9. Support efforts to provide state funding for pollution control equipment which is necessary to meet air quality standards and requirements for resource recovery projects.
- (revised) 10. Support efforts to provide for tax credits for the acquisition of solar energy devices. (#218481)

Input received from: General Services Department

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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.

(revised) **REFERENCE:** Legislative Policy Guidelines adopted 1-19-77 (Resolution #217593)

**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.

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## FISCAL SUPPORT-REVENUE BASE

(revised) **BACKGROUND:** The 1977 version of Senate Bill 90, which was recently signed into law, incorporates a number of significant amendments to the existing Revenue and Taxation Code of California. These additions to the present Code (usually referred to as SB 90, 1972), deal primarily with reimbursable state-mandated costs. San Diego now receives over \$160,000 in annual reimbursements from the state; derived entirely from cost claims associated with the state-mandated Workers' Compensation program. There is, however, a considerable amount of state legislation which involves other forms of state-mandated costs. These costs range from decreased local revenues to increased local operating costs.

(revised) **REFERENCE:** Legislative Policy Guidelines adopted 1-19-77 (Resolution #217593) State Constitution Article XI.

**POLICY RECOMMENDATION:**

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

- (revised) 1. Support efforts to fully reimburse local agencies for state or federal-mandated costs resulting from legislation, administrative regulations, or executive decisions imposing increased services or enforcement programs that would otherwise require local government to add or increase charges/fees for the new or increased services.
- (revised) 2. Oppose efforts to unreasonably limit or narrow the state or local revenue base; while supporting reasonable limitations to state or local revenues derived from annual changes in inflation and population. Appropriate authority, responsibility and flexibility for financing essential community services 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.
4. Support efforts to reimburse local agencies for judicial decisions which have an adverse impact upon local government and local taxpayers.
- (revised) 5. Support efforts by the League of California Cities and others in seeking the formation of a State Revenue Sharing Program for local agencies that does not increase the overall combined state and local tax burden.
- (revised) 6. Support efforts to provide property tax relief to homeowners, renters, and senior citizens which would not increase the overall combined state and local tax burden or shift government program costs from the state to local levels.

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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. 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.
9. Support efforts to provide financial assistance to cities supplying public beach-related services. (#218429)

(revised)

Input received from: Building Inspection Department  
Financial Management Department

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(new) GOVERNMENTAL PUBLIC LIABILITY (new)

**BACKGROUND:** During recent legislative sessions, several Joint Senate/Assembly hearings have been held with an object of amending the California Government Code (particularly the Governmental Tort Claims Act of 1963) to:

1. Provide for strengthened governmental immunity where eroded.
2. Change current claim and suit statutory requirements.
3. Provide for limits in damage claims.
4. Allow for a degree of public entity payment of punitive damages.

The general thrust of argument from public entities is to lessen their exposures to reduce public liability claims and expenditures, and to allow for the purchase of liability insurance in a presently fast-vanishing market. The thrust from the Trial Lawyers Association is to seek a diminution in current existing immunity defenses and statutory requirements.

**REFERENCE:** California Government Code (Calif. Tort Claims Act of 1963)

**POLICY RECOMMENDATION:**

It shall be the legislative policy of the Council, with regard to Public Liability, that the provisions of the California Tort Claims Act of 1963 as written are workable statutes as utilized by the City in its self-funded and self-administered public liability risk management program, and that Council will:

1. Oppose legislative and judicial efforts to further erode governmental tort immunity.
2. Oppose efforts to remove or weaken any statutory time limits as to the filing and serving of claims and lawsuits.
3. Oppose efforts to open public entities to liability for punitive or exemplary damages.
4. Encourage efforts to reinforce public entity design and discretionary act immunity.
5. Encourage efforts to abolish lump-sum awards for damages and to substitute installment payments projected over the plaintiff's life span, to cease at time of death.

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6. Encourage efforts to develop statutory provisions calling for the reimbursement of all public entity defense costs and expenditures incurred in the defense of frivolous and spurious claims and lawsuits.

Input recieved from: Risk Management Department

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## HOUSING AND COMMUNITY DEVELOPMENT

- (revised) **BACKGROUND:** Legislation enacted in 1977 prohibited the practice of "red-lining"; whereby financial institutions refused to provide loans in various geographic areas. It is anticipated that the legislature and the administration will pursue legislation which gives the state greater control over the development and enforcement of local housing elements and programs.
- (revised) **REFERENCE:** Legislative Policy Guidelines adopted 1-19-77 (Resolution #217593)  
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:

- (revised) 1. Support efforts which enhance the City of San Diego's balanced community concept.
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.
- (revised) 3. Oppose efforts which diminish the housing and community development authority of 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.
- (revised) 5. Oppose state-mandated referendum requirements for local housing and community development projects which would alter those contained in the San Diego City Charter.
- (revised) 6. Support efforts to explore the use of property tax abatement as an incentive for construction, ownership, improvement and/or maintenance of housing designed to serve low income or handicapped citizens and as an additional tool for the promotion of redevelopment projects. (#219806)
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.
- (revised) 8. Support reasonable efforts directed to lowering the cost of any of the major components of housing; i.e., land, materials, labor, financing, and marketing.

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9. Support efforts that would lead to repeal of Article XXXIV of the State Constitution.

Input received from: Planning Department

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## LAND USE PLANNING

(revised) **BACKGROUND:** The legislature enacted in 1976, a comprehensive measure to protect the California coastal resources which continues much of the Proposition 20 of 1971. In 1977 the legislature approved a measure providing a single uniform procedure to govern municipal incorporations, disincorporations, consolidations, reorganizations and annexations; including a provision which enables cities to annex small "islands" of up to 100 acres. A major effort will continue towards the protection of prime agricultural lands which will also raise issues relative to local land use determination and control.

(revised) **REFERENCE:** Legislative Policy Guidelines adopted 1-19-77 (Resolution #217593)  
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.
- (revised) 3. Support efforts to clearly define the state's role and authority in land use matters as restricted to those having a clear statewide significance; 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.

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## LAW ENFORCEMENT AND CRIMINAL JUSTICE

(revised) BACKGROUND: Congress and the California Legislature will again attempt to totally revise and streamline their respective Penal Codes. Primary concern in California will be extensive court reform and continued cleanup of the recently inacted Determinate Sentence Law.

(revised) REFERENCE: Legislative Policy Guidelines adopted 1-19-77 (Resolution #217593)

## POLICY RECOMMENDATION:

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

1. Support legislation that strengthens present state laws against prostitution and gives local governments the power to further restrict or regulate prostitution.
- (revised) 2. Support efforts to upgrade the training, education and professionalism of police officers.
- (revised) 3. Support efforts to improve entry level standards of police officer applicants, including but not limited to psychological testing and polygraph tests.
- (revised) 4. Support legislation that would provide funding for research and development and/or implementation of innovative approaches to law enforcement with as much local discretion in the use of the funding as possible.
- (revised) 5. Support efforts to provide state and federal funding for City law enforcement program costs resulting from criminal activity extending beyond the City's boundaries.
- (revised) 6. Support legislation that requires City taxpayers to pay only their fair tax share of County services costs.
- (revised) 7. Support legislation that encourages and/or provides for the better treatment of victims/witnesses of crime and/or encourages victims/witnesses of crime to participate willingly in the criminal justice system. (#218994)
- (revised) \*\* 8. While always recognizing constitutional safeguards, oppose legislation that imposes unnecessary restrictions on legitimate law enforcement activities.
- (revised) 9. Support efforts to prohibit the use of children in sexually explicit materials. (#218323)

\*\*NOTE: Forwarded to Council without Committee recommendation.

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- (revised) 6. Support efforts to extend the extraterritorial regulatory authority of cities into adjoining unincorporated areas within their sphere of influence.\*
- (revised) 7. Oppose piecemeal amendments to the California Coastal Act of 1976 which would alter the Coastal Zone boundary in San Diego. (#218372)

\*Sphere of influence: "...means a plan for the probable ultimate physical boundaries and service area of a local governmental agency." (Cal. Gov. Code. Sec. 54774)

Input received from: Planning Department

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- (revised) 10. Support efforts to impose additional penalties upon persons committing crimes involving bodily injury against the elderly, handicapped or children. (#218304)
- (revised) 11. Support efforts to strengthen California's obscenity laws. (#213972)

Input received from: Police Department

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## PUBLIC EMPLOYER-EMPLOYEE RELATIONS

revised) BACKGROUND: In 1977, cities and counties came the closest ever to seeing enactment of compulsory and binding arbitration. The defeat of SB 164 was the fourth consecutive defeat for such measures of this kind. However, with each year the margin of defeat grows smaller. The issue of binding arbitration will again be with us in 1978 and it is likely that the Governor would sign such a bill if it got to his desk.

revised) REFERENCE: Legislative Policy Guidelines adopted 1-19-77 (Resolutions #217593 and #219209)  
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.
- revised) 6. Support efforts to establish separate safety standards (Cal-OSHA) for 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.

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## TRANSPORTATION

(revised) BACKGROUND: In 1977, the legislature enacted AB 402 (Ingalls) which, among other things, consolidated four state transportation boards into a single California Transportation Commission and reformed the transportation planning programming and funding processes at both the state and local levels.

(revised) REFERENCE: Legislative Policy Guidelines adopted 1-19-77 (Resolution #217593)

## POLICY RECOMMENDATION:

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

1. Support efforts to clearly define state, regional, and local governmental roles and responsibilities with respect to transportation.
2. 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.
- (revised) 3. Support efforts to maximize California's ability to qualify for and receive federal funding for transportation projects and related purposes.
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 missing 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.
- (revised) 9. Oppose efforts to alter the membership of the San Diego Metropolitan Transit Development Board to give the City less than 50% representation. (#218425)

Input received from: Planning Department

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## WORKERS' COMPENSATION

(revised) **BACKGROUND:** During recent legislative sessions, numerous bills were introduced regarding the entire area of Workers' Compensation. There is, for the first time, a thrust to limit employers' liability, primarily arising out of the mushrooming "continuous trauma" phenomenon. There is also a counter-thrust to increase benefits both in the disability and medical areas, primarily in the form of a diminution of employer control over its incurred workers' compensation liabilities. The greatest concern to the City will be to stem and stop efforts to place the City's self-funded and self-administered program under the direct operational control of the State Division of Industrial Accidents; an ongoing effort to directly regulate local government in this area.

(revised) **REFERENCE:** Legislative Policy Guidelines adopted 1-19-77 (Resolution #217593) California Labor Code

**POLICY RECOMMENDATION:**

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

- (revised) 1. Oppose legislative efforts to increase the City's liability base for Workers' Compensation.
- (revised) 2. Oppose efforts to impose state controls and regulation over legally uninsured local government such as the City of San Diego.
- (revised) 3. Oppose Workers' Compensation legislation that does not provide for full reimbursement to local government for mandated cost increases.
- (revised) 4. Encourage efforts to change the basic interpretation of Workers' Compensation laws from the present bias in all cases in favor of the employee/applicant to that of a charge to resolve disputes in the interests of equity and fairness to the employee and the employer.

Input received from: Risk Management Department

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FEB 22 1978

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<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"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fred Schnaubelt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Betty Gooding, Deputy.

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Office of the City Clerk, San Diego, California

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