

R-81-1746

RESOLUTION NO. R-253928

MAR 31 1981

RESOLUTION AMENDING COUNCIL POLICY NO. 000-19
REGARDING LEGISLATIVE POLICY GUIDELINES.

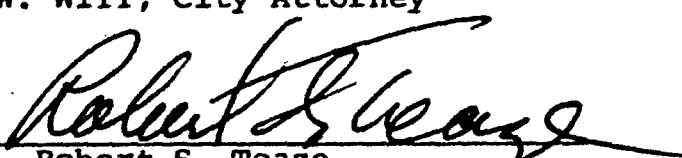
BE IT RESOLVED, by the Council of The City of San Diego,
as follows:

That Council Policy No. 000-19 regarding Legislative
Policy Guidelines be and it is hereby amended as set forth
in the Council Policy filed in the Office of the City Clerk
as Document No. RR-253928.

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

APPROVED: JOHN W. WITT, City Attorney

By


Robert S. Teaze
Assistant City Attorney

RST:rc:011.1
3/18/81
Or. Dept.: Rules Committee

01803

City of San Diego, California
COUNCIL POLICY

Subject: LEGISLATIVE POLICY GUIDELINES

Page 1 of 19

BACKGROUND

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

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.
3. Coordinate the City's Federal and State grants program

PURPOSE

These general legislative policy guidelines allow the Department of Intergovernmental Relations to respond in a timely manner to administrative and legislative issues in Sacramento and Washington, D. C.

POLICY

- | | |
|--|---------|
| I. Consumer Protection | Page 2 |
| II. Energy Conservation and Development | Page 3 |
| III. Environmental Protection | Page 4 |
| IV. Fiscal Support-Home Rule | Page 5 |
| V. Governmental Public Liability | Page 7 |
| VI. Housing and Community Development | Page 8 |
| VII. Land Use Planning | Page 10 |
| VIII. Law Enforcement and Criminal Justice | Page 12 |
| IX. Public Employer - Employee Relations | Page 14 |
| X. Resource Conservation | Page 15 |
| XI. Transportation | Page 16 |
| XII. Unemployment Compensation | Page 18 |
| XIII. Worker's Compensation | Page 19 |

DOCUMENT NO. 88-253928

FILED MAR 31 1981

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

01804

I. CONSUMER PROTECTION POLICY

A. It shall be the legislative policy of the Council to support:

1. Efforts which enhance the role of the City Attorney as the enforcing officer for consumer complaints within the City of San Diego.
2. Efforts to reduce the amount of time required to approve general rate increase applications of public utilities.

New

3. Rewriting and modernization of the Communications Act of 1934 with the following goals:
 - Encouragement and rapid authorization of new spectrum efficient technologies in all areas of communication.
 - Recognition of the expanded role of 2-way mobile radio and the special needs of Public Safety and other Local Government communications.
 - Reasonable Federal deregulation consistent with orderly efficient spectrum usage.
 - Local coordination for all 2-way land mobile radio services to reduce radio interference problems.
4. Efforts to base Hoover Dam, Parker Dam, the California Water Project and other power rate determinations on an actual production cost basis.

B. It shall be the legislative policy of the Council to oppose:

1. Efforts to pass on to consumers any proposed public utility rate increase prior to its approval by the PUC.
2. Efforts to eliminate territorial rating when determining insurance premiums, including but not limited to automobile insurance.

New

3. Efforts by the FCC to impose any competitive bidding techniques for licenses in the "Public Safety and Local Governmental Radio Services."

II. ENERGY CONSERVATION AND DEVELOPMENT POLICY

A. It shall be the legislative policy of the Council to support:

1. Efforts to establish an energy policy which encourages both conservation and maximum production of energy from all sources.
2. Efforts which expand the cooperation among governmental entities and the private sector in developing alternative energy sources such as solar, geothermal, nuclear and fossil energy conversion.
3. Efforts to improve upon the necessary safeguards for the disposal of nuclear waste.
4. Efforts to educate the public in ways to conserve existing energy sources through the establishment of economical efficiency and utilization standards which do not pass any unreasonable costs to the consumer.
5. Efforts which require that state or federally mandated programs to establish energy efficiency and utilization standards, or which require modification of existing City structures, receive full funding.
6. Efforts to eliminate duplicative state or federal enforcement programs covering solid waste operating facilities.
7. Efforts to secure state or federal funding for local agency solid waste programs including, but not limited to, the Urban Resources Recovery Plant for solid waste conversion.

III. ENVIRONMENTAL PROTECTION POLICY

A. It shall be the legislative policy of the Council to support:

1. Efforts to achieve further reductions in the emission of air pollutants through the application of reasonably available control technology to motor vehicles.
2. Efforts to promote a mandatory motor vehicle emission inspection and maintenance program which allows for a credit of the inspection fee against the vehicle license fee, does not overburden the public and provides consumer protection to motorists.
3. Efforts, where feasible both technologically and economically, to encourage substitutes for petroleum-based products ~~other than fuels~~ to further reduce air pollutants. Federal legislation should be encouraged if a local disadvantage would result from State or local action.
4. Efforts to provide state or federal funding for pollution control equipment which is necessary to meet air quality standards and requirements for resource recovery projects.
5. Efforts to create programs to alleviate the cost to state and local governments of containment and cleanup of abandoned or inactive hazardous chemical wastes and to develop emergency response procedures to enable state and local governments to adequately respond to any type of hazardous material or waste accident involving any transportation mode.
6. Efforts to require social, economic and environmental impact analyses by the federal government, as well as their public review, prior to federal designation of rare and endangered species and/or critical habitats.

Amend

B. It shall be the legislative policy of the Council to oppose:

1. Efforts to establish the Air Pollution Control Board as the sole lead agency for the Air Management Process (implementation of the Regional Air Quality Strategy).
2. Enactment of single purpose legislation, including measures to protect rare and endangered species, where the public benefits do not outweigh the adverse social, economic or environmental impacts to the community.
3. Efforts to relax aircraft engine noise levels from those standards currently specified by the FAA's FAR 36 regulations.

IV. FISCAL SUPPORT - HOME RULE POLICY

A. It shall be the legislative policy of the Council to support:

1. Efforts to fully reimburse local agencies for state or federal-mandated costs resulting from legislation, administrative regulations, judicial 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 level of service.
2. Efforts which permit retention and control by local governments of a greater portion of the revenue generated by federal, state and local taxes rather than having those revenues returned with restrictions through subventions from federal and state government.
3. Efforts to form a State Revenue Sharing Program for local agencies that does not increase the overall combined state and local tax burden.
4. 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.
5. Efforts to increase the local government share of the State Sales and Use Tax from one cent to two cents with the additional one cent distributed on the basis of population.
6. Efforts to amend Article XIII A of the California Constitution to permit ad valorem taxes, in addition to the 1% limitation, to pay interest and redemption charges on indebtedness if approved by a 2/3 vote of those affected.
7. Legislation which enables the City to retain maximum flexibility in its administration of Article XIII B (the Gann Initiative). Appropriate responsibility and authority must rest with local governments to implement Article XIII B at least cost while adhering to the spirit of its provisions. Changes required in accounting and budgetary practices should not conflict with established procedures which are based upon sound management principles.
8. State funding of 9-1-1 emergency dialing systems which do not exceed the basic system with selective routing.
9. Efforts to require State reimbursement for City expenditures in compliance with CAL-OSHA standards which are unique to California or which exceed Federal OSHA standards.
10. Legislation that requires City taxpayers to pay only their fair tax share of County services costs.

IV. FISCAL SUPPORT - HOME RULE POLICY (Continued)

New

11. Efforts to provide a much-needed formula for transferring property tax where jurisdictional changes occur. An equitable formula would provide that existing relative shares of City and County property tax revenue would be maintained in annexed territory.
12. Efforts to balance the Federal budget.
13. Efforts to provide local government with fiscal assistance to offset revenue losses during periods of national economic decline based on employment or other locally appropriate triggering factors.
14. Efforts to continue and expand the types of municipal investment-grade revenue bonds which may be underwritten by commercial banks.
15. Efforts to continue General Revenue Sharing by supporting legislation which would include:
 - (1) continuation of general purpose local governments as the principal eligible program participants;
 - (2) annual increases in funding for local governments to help compensate for inflation;
 - (3) recognition of the inseparability of state and local fiscal affairs and support for state participation in general revenue sharing;
 - (4) authorization of the program on a multi-year, entitlement basis to insure continuity and dependability of funding.
16. Efforts to constrain the Treasury Department from issuing arbitrage regulations based on ambiguous statutory language.

B. It shall be the legislative policy of the Council to oppose:

1. Efforts to diminish local autonomy or the home rule authority to govern municipal affairs.
2. Efforts which allow the state or federal government to preempt those rights to levy taxes as authorized by the California Constitution and the Charter of the City of San Diego.

New

3. Efforts by the State or Federal government to mandate preference for products of manufacturers or suppliers located in a particular region or area which would result in higher costs to local government.

V. GOVERNMENTAL PUBLIC LIABILITY POLICY

A. It shall be the legislative policy of the Council to support:

1. Efforts to reinforce public entity design and discretionary act immunity.
2. 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.
3. 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.
4. Efforts to change the legal principal of "joint and several liability" to protect, ensure and otherwise provide that the City will not be a "deep pocket" liability target.

B. It shall be the legislative policy of the Council to oppose:

1. Efforts to further erode governmental tort immunity.
2. Efforts to remove or weaken any statutory time limits as to the filing and serving of claims and lawsuits.
3. Efforts to open public entities to liability for punitive or exemplary damages.

VI. HOUSING, ECONOMIC AND COMMUNITY DEVELOPMENT POLICY

A. It shall be the legislative policy of the Council to support:

1. Efforts which enhance the City of San Diego's balanced community concept.
2. Efforts to develop federal and state participation and financial support for creative programs to provide adequate housing for the elderly, handicapped, and low income persons throughout the community, including programs which would reduce construction and mortgage loan interest rates.

New

3. Efforts to maintain and create tax incentives for private revitalization of existing commercial, industrial and housing resources where such assistance produces net tax benefits to the City.
4. Efforts to explore the use of property tax abatement and other state and federal tax incentives for construction, ownership, improvement and/or maintenance of buildings and structures and as an additional tool for the promotion of redevelopment projects.
5. Efforts to permit but not mandate local jurisdictions to assemble land so that efficiencies of scale allow the land to be returned for private development.

Amend

6. Efforts directed to lowering the cost of any of the major components of housing: i.e., land, materials, labor, financing, marketing and manufactured housing and the elimination of restrictive code requirements, federal and state land use policies that raise the cost of housing and reduce competition.
7. Efforts to repeal Article XXXIV of the State Constitution.
8. Efforts to lower international tariffs with Mexico and encourage free trade between the United States and Mexico consistent with health and safety requirements.
9. Efforts to provide adequate flood protection along the City's streams and creeks including but not limited to Las Chollas Creek.
10. Efforts to authorize and enable tax increment financing for redevelopment projects utilizing sales and use tax revenues.
11. Efforts to exclude redevelopment agencies from competitive bidding statutes, to permit joint development of public facilities by private developers, upon findings of public benefit by the agency.

B. It shall be the legislative policy of the Council to oppose:

1. Efforts which diminish the housing and community development authority of local elected officials.

VI. HOUSING, ECONOMIC AND COMMUNITY DEVELOPMENT POLICY (Continued)

2. Efforts which grant the state or federal government 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.
3. State or federal mandated referendum requirements for local housing and community development projects which would alter those contained in the San Diego City Charter.

VII. LAND USE PLANNING POLICY

A. It shall be the legislative policy of the Council to support:

1. Efforts to strengthen the legal and fiscal capability of local agencies for implementing plans, including but not limited to, the regulatory authority over zoning, subdivisions, and annexation.
2. Efforts to clearly define the state's and federal government's role and authority in land use matters as restricted to those having a clear state-wide or national significance; recognizing that such state or federal authority should not preempt authority presently granted to cities.

Amend

3. Efforts to expand local agencies' authority to require land dedications and/or in-lieu fee payments for the site acquisition, construction or maintenance of public facilities as conditions precedent to the approval of tentative subdivision maps.
4. Efforts to extend the extraterritorial regulatory authority of cities into adjoining unincorporated areas within their sphere of influence. (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).
5. Efforts to amend the California Coastal Act of 1976 that increase the land use planning authority of cities and counties in the local coastal program process, and that streamline the certification process in terms of timing and documentation.

Amend

6. Efforts to remove from any State agency, including the Housing and Community Development, as well as the Coastal Commission, the authority to regulate low and moderate income housing through "inclusionary zoning". Responsibility should remain with local agencies via local housing elements developed from advisory guidelines prepared by the Department of Housing and Community Development.
7. Efforts to raise or remove the present limit of three amendments per calendar year to the general plan's mandatory elements.

B. It shall be legislative policy of the Council to oppose:

1. Piecemeal amendments to the California Coastal Act of 1976 not approved by the City of San Diego which would alter the Coastal Zone boundary in San Diego.
2. Efforts to limit the authority of local agencies to abate non-conforming land uses, including state mandated requirements that local agencies pay compensation to the owners of non-conforming

VII. LAND USE PLANNING POLICY (Continued)

uses rather than the traditional reasonable abatement schedules.

3. Efforts to further the statutory limitations on the collection and use of parkland dedications or payments of in-lieu fees in connection with the approval of subdivision maps.

VIII. LAW ENFORCEMENT AND CRIMINAL JUSTICE POLICY

A. It shall be the legislative policy of the Council to support:

1. Efforts that strengthen present state or federal laws against prostitution and gives local governments the power to further restrict or regulate prostitution.
2. Efforts to upgrade the training, education and professionalism of police officers.
3. Efforts to improve entry level standards of police officer applicants and local authority to screen applicants, including but not limited to, psychological testing and polygraph tests.
4. Efforts that 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.
5. Efforts to provide state and federal funding for city law enforcement program costs resulting from criminal activity extending beyond or originating outside the City's boundaries.
6. Efforts that encourage and/or provide for the better treatment of victims/witnesses of crimes and/or encourages victims/witnesses of crime to participate willingly in the criminal justice system.
7. Efforts that recognize and protect constitutional safeguards.
8. Efforts to impose additional penalties upon persons committing crimes involving bodily injury against the elderly, handicapped or children.
9. Efforts to strengthen California's obscenity laws.
10. State and/or federal efforts to assist local law enforcement agencies in investigating and solving sex-oriented crimes and murders of children.
11. Efforts to prohibit the use of children in sexually explicit materials.
12. State and federal constitutional amendments and federal legislation under Section 5 of the Fourteenth Amendment that would provide for the admissibility in any trial of any evidence obtained as a result of an unlawful or unconstitutional search or seizure.
13. Efforts to authorize and establish local entitlement funding under the Justice System Improvement Act of 1979 (JSEA).
14. Efforts to facilitate the prosecution of driving under the influence cases and to increase the penalties for such offenses.

New

VIII. LAW ENFORCEMENT AND CRIMINAL JUSTICE POLICY (Continued)

B. It shall be the legislative policy of the Council to oppose:

1. Efforts which broaden access to those law enforcement records, including intelligence files, which are presently privileged and confidential, subject to the public's need to know.
2. Efforts that impose upon legally conducted law enforcement activities unnecessary restrictions which exceed constitutional safeguards.

IX. PUBLIC EMPLOYER-EMPLOYEE RELATIONS POLICY

A. It shall be the legislative policy of the Council to support:

1. Efforts to protect the rights of cities to establish conditions of employment, including hours, wages, employee benefits, the meet and confer process, appeal procedures, and management rights.
2. Efforts to obtain uniform enforcement of safety standards (Cal-OSHA) by enforcement agencies.

B. It shall be the legislative policy of the Council to oppose:

1. Efforts to diminish any rights now reserved to cities.
2. Efforts which provide the expressed right of public employees to "strike" or public agencies to "lock out."
3. Efforts to establish a state-wide 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.
4. Efforts which impose restrictions on the scope and authority of charter cities to control their own retirement systems.
5. Efforts to include peace officers in an employee bargaining unit composed of non-peace officer personnel.
6. Efforts to permit "agency shop" arrangements which require employee organization membership and fees as conditions of employment.

X. RESOURCE CONSERVATION POLICY

A. It shall be the legislative policy of the Council to support:

1. Efforts to require, where feasible, conservation of natural resources, including but not limited to water, timber, oil, natural gas, minerals, and earth metals in all aspects of their use by business, agriculture, government and individual citizens.
2. Efforts to promote and fund the recycling-reclaiming of natural resources for re-use, including but not limited to water, timber, oil, gas, minerals, and earth metals.
3. Efforts to promote and allow the secondary use of "gray water" for outdoor irrigation for commercial and residential purposes.
4. Efforts encouraging the use of meters for water in those communities reliant upon shared water systems.
5. Efforts encouraging the state and federal governments to establish priorities for the use of water, including the promotion of drought tolerant landscaping.
6. Efforts to implement the most cost-effective alternative energy generation technologies via recycling-reclaiming of water, timber, oil, gas, and solid waste materials.
7. Efforts to secure funds assisting local governments to increase the supply of potable water where technically and economically feasible, including but not limited to the allocation of funds for waste water reclamation and desalinization.
8. Efforts to authorize and build the Peripheral Canal in northern California and establish a water management system which assures protection to agriculture and the water systems of the Delta and Central Valley regions as well as guaranteed water delivery to the San Diego region.
- New 9. Efforts to divert federal funds from the Clean Water Act for secondary treatment programs to waste water reclamation projects in cities, such as San Diego, where the problem is not water quality but rather water supply.

B. It shall be the legislative policy of the Council to oppose:

1. Efforts to apply the Federal 1902 Reclamation Act - 160 acre irrigation limitations or any irrigation limitation to Imperial Valley and/or recipients of water from the Peripheral Canal.

XI. TRANSPORTATION POLICY

A. It shall be the legislative policy of the Council to support:

1. Efforts to clearly define state, regional and local governmental roles and responsibilities with respect to transportation.
2. Efforts to maximize California's ability to qualify for and receive federal funding for transportation projects and related purposes.
3. Efforts to increase the amount of funding available to the City for maintaining and/or improving our transportation system and support efforts to expedite the availability of existing funds for state construction of the adopted freeway system.
4. Efforts to increase highway user fees, including an increase in the state gasoline tax, proportionate with inflation for the purpose of improved street and highway maintenance.
5. Efforts to maximize local governments' discretionary authority to expend available transportation monies, and to reduce state review requirements of projects that are predominately of regional or local significance.
6. Efforts to provide funding that would complete the missing links of the primary (FAP), interstate (FAI) and urban (FAU) highway systems.
7. Efforts to allow the exchange of FAU funds with State Gas Tax funds.

Amend

8. Efforts to designate State Route 15 between I-8 and ~~I-805~~ I-5 Interstate 15.
9. The route adoption and early implementation of State Route 52 from I-805 to State Route 125.
10. The cooperative development of an adequate transportation system for the north city area. Said system to include at a minimum the following facilities: 1) Route 56 (I-5 to I-15); 2) SR 728 as a prime arterial, and 3) SA 680 as a prime arterial.
11. Efforts to amend or reauthorize the Federal Airport and Airway Development Act to remove all funding limitations and to insure that the program includes grants for airport development and planning, acquisition and upgrading of airway facilities and equipment, and research, engineering and development to improve the airport/airway system.
12. Efforts to establish a Class I Terminal Control Area for Lindbergh Field.

XI. TRANSPORTATION POLICY (Continued)

13. Efforts to restrict private/non-commercial aircraft at Lindbergh Field.
14. Efforts to improve non-commercial/general aviation airports throughout California to better serve private pilots and thereby diminish their use of commercial/air carrier airports.
15. Efforts to maintain and/or expand freight rail services to and from San Diego, both north and east of the City.
16. Efforts to provide for state gasoline tax rebates to the owners and operators of taxicabs which have been licensed and authorized to operate in the State of California.

B. It shall be the legislative policy of the Council to oppose:

1. Efforts to alter the membership of the San Diego Metropolitan Transit Development Board to give the City less than 50% representation.

XII. UNEMPLOYMENT COMPENSATION POLICY

A. It shall be the legislative policy of the Council to support:

1. Efforts to amend present laws to assure equity to all parties.
2. Efforts that "tighten" the system to prevent abuse.
3. Efforts that give the City more direct control over the administration of the program.
4. Efforts to finance this program from state and federal resources.

B. It shall be the legislative policy of the Council to oppose:

1. Efforts that increase City liability, both fiscally and administratively.

XIII. WORKERS' COMPENSATION POLICY

A. It shall be the legislative policy of the Council to support:

1. Efforts to amend the Workers' Compensation Law so that disputes will be resolved with equity and fairness to the employee and employer.

New

2. Efforts to fully reimburse local governments for mandated cost increases or cost of living adjustments.

B. It shall be the legislative policy of the Council to oppose:

1. Efforts to increase the City's liability base for Workers' Compensation.

2. Efforts to impose state controls and regulation over self-insured local governments such as the City of San Diego.

MAR 31 1981

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

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<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 Raymond L. Portier, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-253928 Adopted MAR 31 1981