

MAY 19 1981

WHEREAS, the Housing and Urban Affairs Subcommittee of the United States Senate Banking, Housing and Urban Affairs Committee, proposes on May 20, 1981 to commence hearings concerning the impact of federal laws and regulations on States and local entities; and

WHEREAS, among other things, one statutory provision which is to be considered by the Subcommittee is Section 13C of the Urban Mass Transportation Act, as amended; and

WHEREAS, this City Council has heretofore taken a position that Section 13C of the Act as applied administratively and construed judicially has placed unreasonable constraints upon public entities seeking to provide public mass transportation; and

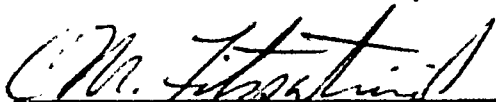
WHEREAS, the City Council of the City continues to believe that Section 13C of the Act does unreasonably constrain its ability to provide public mass transportation for the citizens of the City of San Diego and to proceed with new and innovative methods of providing such service; NOW, THEREFORE,

BE IT RESOLVED, that this City Council urges the United States Congress to seriously consider amendments to Section 13C of the Urban Mass Transportation Act which will remove the constraints upon public entities as heretofore established by administrative determinations and judicial decisions and thereby provide public entities with the ability to consider new and innovative methods of furnishing public mass transportation without unreasonable constraints.

BE IT FURTHER RESOLVED, that it is the sense of this City Council that one method of accomplishing the goal set forth above is by amendments to the Urban Mass Transportation Act and Section 13C of that Act which will enable and allow the respective States of this United States of America and the local entities therein to treat public transit employees as public employees for purposes of their conditions of employment and establish the terms thereof accordingly by enacting legislation similar to the statutory provisions of the Fair Labor Standards Act as interpreted by the Supreme Court of the United States in National League of Cities v. Usery, or in the alternative, enact legislation which would prohibit the right of public transit employees to strike or demand compulsory binding interest arbitration.

BE IT FURTHER RESOLVED, that a representative of the City Attorney's office be and he is hereby authorized to travel to Washington, D. C. May 19-21, 1981 to provide written and oral testimony to said Subcommittee for the purpose as set forth above and to incur all necessary expenses.

APPROVED: JOHN W. WITT, City Attorney

By 
C. M. Fitzpatrick
Senior Chief Deputy

CMF:vl:071 (x474.6)
5/19/81
Or. Dept.: Atty.

Passed and adopted by the Council of The City of San Diego on MAY 19 1981
 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Ellen Board Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-254235 Adopted MAY 19 1981