

RESOLUTION NUMBER R-255826

Adopted on FEB 16 1982

WHEREAS, the Department of Intergovernmental Relations requested the various departments of the City, via memorandum dated September 28, 1981, to submit bill proposals for inclusion in the City of San Diego 1982 Sponsorship Program; and

WHEREAS, the Rules Committee, on November 30, 1981, December 21, 1981 and January 11, 1982 reviewed various proposal submitted by departments and activities of the City; and

WHEREAS, after said review, the Rules Committee approved eight (8) proposals submitted and have recommended their adoption for inclusion in the City's legislative Sponsorship Program;

WHEREAS, the Council reviewed the recommendations and deleted one (1) of the proposals; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the following seven (7) legislative proposals, attached hereto as Attachment "A", be and the same are hereby included in the City of San Diego's 1982 legislative Sponsorship Program:

<u>PROPOSAL</u>	<u>SUBMITTED BY</u>
Unemployment Compensation Clerical Errors	Personnel Dept.
Unemployment Compensation Appeals Delay	Personnel Dept.
Unemployment Compensation Claim Forms	Personnel Dept.
Unemployment Compensation Regional Committees	Personnel Dept.

Political Reform Act

Army Corps of Engineers Permit Processing

Penalties for Juvenile Offenses

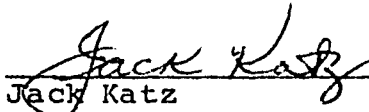
City Clerk

Mayor Pete Wilson

Crime Control Commission

APPROVED: John W. Witt, City Attorney

By


Jack Katz

Chief Deputy City Attorney

JK:smm

2/4/82

REVISED 2/22/82

Or.Dept:Rules

Form=r.none

R-82-1281

City of San Diego

1982 Sponsorship Program

Unemployment Compensation Claim Forms

- Proposal: Requires the State Employment Development Department (EDD) to mail unemployment compensation claim forms to a central address when requested by a large public entity such as the City.
- Source: Personnel Department
- Present Law: Provides that unemployment insurance claim forms be mailed by EDD to the last employer's address as provided by the claimant.
- Discussion: Currently, when a claimant files for unemployment compensation benefits, he/she provides an employer's address to which EDD will mail the claim form. The employer then has 10 days from date of mailing to protest the claim.
- A recurring, significant problem is that individuals who file claims against the City are providing several different "City" addresses on their claim forms. As a result, claims are often delayed in reaching the Personnel Department which has the responsibility for protesting them. Claim forms are often received shortly before or after the 10-day protest period has passed. Accordingly, the City frequently has to pay for benefits which claimants would not have otherwise received if an adequate protest had been lodged.
- This legislative proposal would require the local EDD office to mail claim forms to a central address when requested by a public entity employing over 5,000 individuals. This procedural change would allow the City Personnel Department sufficient time to gather the information necessary to make a fully adequate protest within the 10-day period.
- Fiscal Impact: Potential City savings in the range of \$15,000 to \$30,000 per year due to more successful and larger number of appeals.
- Recommendations: Sponsor

RULES

11/30/81--4-0, District 4 not present (Districts 1, 2, 4, 8 and PW) Committee voted to support the recommendation of the IRD to sponsor the proposal.

R-255826

00810

City of San Diego

1982 Sponsorship Program

Unemployment Compensation Appeals Delays

- Proposal: Requires the California Unemployment Insurance Appeals Board (CUIAB) to give priority to certain public entity employers such as the City when scheduling appeals hearings.
- Source: Personnel Department
- Present Law: Does not specifically address the matter of scheduling appeals hearings before the CUIAB. However, it is administrative policy of the CUIAB to schedule all appeals on a first come, first served basis.
- Discussion: California local governments which have chosen the "cost of benefits" unemployment compensation financing plan, such as the City, have no "reserve account" to protect them against erroneous claims. This means that if the State Employment Development Department (EDD) incorrectly determines that a claimant shall receive benefits and the City appeals that determination, even though we prevail on appeal, we must still pay for benefits paid to the claimant while the appeal is pending. The City's account will not be reimbursed for these erroneous payments unless the claimant pays them back to EDD, which is a rare occurrence.
- In contrast, California private sector employers do have a "reserve account" which allows them to be retroactively relieved of erroneous payment costs upon winning an appeal. However, when scheduling hearings, the CUIAB makes no distinction between public and private sector employers. As a result, hearing delays of four to seven weeks are normal and can be quite costly to the City.
- This proposal suggests language be added to the California Administrative code providing that priority scheduling shall be given to appeals received from "cost of benefits" employers such as the City. Further, that these appeals shall be scheduled within 14 days of receipt when requested by such an entity.
- Fiscal Impact: Anticipated yearly savings would average approximately \$4,000 for the City.
- Recommendation: Sponsor

RULES
11/30/81--5-0 (Districts 1, 2, 4, 8 and PW)

Committee voted to support the recommendation of the IRD to sponsor the proposal.

R-255826
00811

City of San Diego

1982 Sponsorship Program

Unemployment Compensation Clerical Errors

Proposal: Removes the requirement that "reimbursable employers," such as the City, reimburse the State for unemployment compensation benefits paid to claimants because of clerical errors made by the State Employment Development Department (EDD).

Source: Personnel Department

Present Law: Under the California Administrative Code and Unemployment Insurance Code, "reimbursable employers" are required to reimburse the State for all benefits paid to claimants including benefits paid because of clerical errors made by EDD.

Discussion: According to the Personnel Department, every unemployment insurance bill the City processes contains error-related costs. Although the City complains to EDD about these errors, under current law we still are obligated to pay.

In comparison, "tax contribution" employers, essentially all private sector employers and some public entities, do not have to pay for error-related costs.

In addition to relieving "reimbursable employers" of the obligation to pay for these errors, proponents of this proposal argue that requiring EDD to pay these costs from an "error" fund would provide a definite incentive to avoid such errors.

Fiscal Impact: It is not possible to predict EDD's future clerical errors. However, based on the City's last four quarterly billing payments, complaints were made to EDD regarding approximately \$31,000 in costs which were believed to have been created or aggravated by EDD's errors.

Recommendation: Sponsor

RULES

11/30/81--5-0 (Districts 1, 2, 4, 8 and PW)

Committee voted to support the recommendation of the IRD to sponsor the proposal.

00812
R-255826

ATTACHMENT "A"

City of San Diego

1982 Sponsorship Program

Unemployment Compensation Regional Committees

Proposal: Creates regional committees composed of California local governments which have chosen the "cost of benefits" method of financing their unemployment compensation obligations (also known as "direct reimbursable" employers).

Source: Personnel Department

Present Law: The Unemployment Insurance Code provides for the existence of similar committees for private sector employers and for local governments which have chosen an alternative financing plan. However, there is no provision for such committees made up of "direct reimbursable" employers.

Discussion: Patterned after similar committees currently existing for other types of employers, these regional committees would advise the Employment Development Department (EDD) Director on matters of concern to committee members; cooperate in pilot projects and special programs; jointly develop and administer unemployment insurance claims management training programs; collectively formulate and propose unemployment insurance legislation of benefit to local government; and allow for the systematic distribution of information from the EDD. These proposed committees would be composed of all "direct reimbursable" cities, counties and districts (other than school districts) and of representatives from regional EDD offices.

Currently, there is no systematic, reliable way for recent unemployment insurance law changes, EDD procedural changes, and other critical information to be disseminated to "direct reimbursable" employers. Information exchanges of this nature would be significant in enhancing and improving techniques of claims management, benefit charge statement processing, computerization, etc.

Fiscal Impact: The City's unemployment insurance expenditures for the period FY 1982 through FY 1986 are estimated to range from approximately \$1.7 to \$2.7 million dollars. Although a precise estimate is not possible, the financial advantage of committee formation and participation could be substantial.

Recommendation: Sponsor

RULES

11/30/81--3-0, Districts 1 and 4 not present (Districts 1, 2, 4, 8 and PW) Committee voted to support the recommendation of the IRD to sponsor the proposal.

R-255826
00813

City of San Diego

1982 Sponsorship Program - State

Political Reform Act

Proposal: Limits the requirement for campaign disclosure reports during certain threshold periods to state officeholders, candidates, and committees, thereby eliminating such requirement for local officeholders, candidates, and committees.

Source: City Clerk

Present Law: The Political Reform Act requires campaign disclosure reports during certain threshold periods from all officeholders, candidates, and committees, both state and local.

Discussion: On January 1, 1981 a number of changes to the Political Reform Act became effective. Among these new provisions, apparently in response to activities by contestants for the State Assembly majority post, a requirement for threshold statements was imposed. With some exceptions officeholders, candidates, or committees which receive or make contributions or expenditures totaling \$500 or more during certain periods must file campaign disclosure statements.

After almost a year's experience with these new requirements, the City Clerk believes that their questionable benefit is outweighed by their liabilities. In the Clerk's experience, rarely do local candidates engage in campaign activities which require threshold reporting. In addition, the reporting requirement would seem to be an unnecessary redundancy since any contribution of \$100 or more which is received must be reported.

Finally, enforcement of this provision of the law is very difficult. Because of the complications of the law it is difficult for affected parties to determine whether they are required to file a statement or not. Also, the Clerk is usually in no position to notify those who would be required to file a report since the Clerk has no way of knowing who receives or makes contributions until they appear on reports to him.

Fiscal Impact: Insignificant

Recommendation: Sponsor

RULES 12/21/81

VOTE: 3-0, Districts 1 and 4 not present (1, 2, 4, 8 and PW)

Committee voted to support the recommendation of IRD to sponsor the proposal.

00814

R-255826

City of San Diego

1982 Sponsorship Program - Federal

Army Corps of Engineers Permit Processing

Proposal: Amends the Federal Water Pollution Control Act (86 Stat. 816, PL 92-500) to require the Army Corps of Engineers to mitigate issues raised by the Federal Department of Fish and Wildlife or the State Department of Fish and Game so that a Section 404 permit will be issued no later than 6 months after a local agency has requested one.

Source: Mayor Pete Wilson

Present Law: Section 404 permits are issued for work within wetland areas, including vernal pools. Though the responsibility for the issuance of these permits lies with the Corps, they will not issue a permit until the Federal Fish and Wildlife or State Fish and Game are totally satisfied.

Discussion: The practice for Fish and Wildlife and Fish and Game to reach total agreement on a program to preserve or be compensated for "damaged" wildlife habitat has led to lengthened permit processing time, frivolous requirements, and frustration for all.

However, if the Corps had the authority to mitigate concerns raised by Fish and Wildlife or Fish and Game and then after a reasonable period of time issue a permit, many months of delay would be eliminated, and the cost of the project for a city would be reduced. This proposal will accomplish this goal.

As a first step, the City submitted an amendment to the National League's Energy, Environment and Natural Resource Policy which was approved at the annual conference on December 2, 1981. Although our suggestion was amended to exclude the permit process for a nuclear power plant, it reads as follows:

When a federal permit is required for a local agency to conduct an activity, the permitting agency should process the permit expeditiously. Moreover, each federal agency or department should develop a "one-stop" permit process so that local agencies will have the certainty of only having to satisfy one set of requirements to get the permit.

Fiscal Impact: Cost savings

Recommendation: Sponsor

RULES 12/21/81

VOTE: 3-0, Districts 1 and 4 not present (1, 2, 4, 8 and PW)

Committee voted to support the recommendation of the IRD to sponsor the proposal.

R-255826

00815

City of San Diego

1982 Sponsorship Program - State

Penalties for Juvenile Offenders

- Proposal: Revises Juvenile Court Law to reflect uniform, certain and graduated penalties for juvenile offenders.
- Source: Crime Control Commission; Priority 1
- Present Law: Provides no uniformity in the processing and sentencing of juvenile offenders. Wide discretion exists for probation officers and judges in determining the type and amount of treatment or punishment of juvenile offenders.
- Discussion: A major conclusion of the Crime Control Commission is that the rehabilitation philosophy that has long governed juvenile law is clearly not working. For example, while juveniles made up only 12% of San Diego County's population, they accounted for 21% of all arrests for violent crime in 1979, and 40% of arrests for crimes against property.
- In order to remedy this situation, the Commission believes that the entire juvenile court law must be revised to ensure that juveniles be held accountable for their crimes. Young offenders should be exposed to clear and certain consequences for their actions.
- The only interest the current Legislature has taken in this regard is a pending bill (AB 419) that would create a commission to prepare recommendations for the revision of the Juvenile Court Law. The Commission does not believe that this bill goes far enough and is proposing a sentencing plan for juveniles similar to the one adopted by the Washington (state) Legislature in 1977 (see attached Juvenile Justice Act of 1977). This law sets forth determinate sentences that are proportional to the crime, criminal history and age of the offender. While it provides clear and certain consequences for every criminal act, harsh penalties and incarceration are limited to serious offenders. Heaviest emphasis is on restitution to victims and community service.
- In 1977, California became one of the first states to enact a determinate sentencing law for adults. Adoption of the Commission's proposal for determinate sentencing for juvenile offenders would bring juvenile law in line with adult law.
- Fiscal Impact: Populations in California Youth Authority facilities may increase as a result of this change in the law, creating a need for an expansion of programs and bed space.
- Recommendation: Sponsor proposed legislation using Washington state's Juvenile Justice Act of 1977 as a guide.

RULES 12/21/81

VOTE: 3-0, Districts 1 and 4 not present (1, 2, 4, 8 and PW)

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R-255826

00816

City of San Diego

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RULES 12/21/81

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Committee voted to support the recommendation of the IRD to sponsor the proposal.

R-255826

00817

FEB 16 1982

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Bovard, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-255826 Adopted FEB 16 1982