

RESOLUTION NUMBER R- 256207

Adopted on APR 12 1982

WHEREAS, Proposition 4 of 1979, the "Spirit of 13," added language to the California Constitution which requires the state to reimburse any local government for the cost of any "new program or higher level of service" imposed by state legislation; and

WHEREAS, only legislative mandates requested by a local agency or measures "defining" a new crime or changing an existing definition of a crime are exempt from this requirement; and

WHEREAS, the Legislature has in past years disregarded this constitutional requirement by disclaiming costs exist; and

WHEREAS, the Legislature has even refused to pay claims which were approved by the Board of Control and has deleted reimbursements approved by the Department of Finance and the Legislative Analyst; and

WHEREAS, the League of California Cities has reacted to this blatant disregard of law by authorizing the League Board of Directors to sue the State of California whenever an "unfunded mandate" is passed; and

WHEREAS, the County Supervisors Association of California (CSAC) recently adopted a policy that counties should not implement unfunded 1981 legislative mandates and, in addition, approximately forty (40) counties are suing the state to have "unfunded" mandates declared unconstitutional; and

WHEREAS, San Diego County has joined in this suit; and

WHEREAS, our current practice of implementing the program at our expense, gathering cost data, seeking Board of Control approval for reimbursement, and encountering delays while the State Comptroller's office approves the claim and then encountering Legislative refusal is not cost effective; and

WHEREAS, even in the rare and unlikely event that reimbursement may be effected, said reimbursement is made after great delay with cheaper dollars; and

WHEREAS, in the event the claim is denied by the Board of Control, or deleted from a claims bill by the Legislature after approval, the option exists to sue for reimbursement or, in the alternative, join another suit as amicus; and

WHEREAS, another alternative is available whereby the City may adopt a policy of selective non-compliance with certain unfunded mandates, recognizing the issues of the bill, the difficulty of implementing the legislation, and the nature of the financial burden incurred by its implementation; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that City staff be and they are hereby directed to draft criteria governing the action to be taken in respect to implementing or adopting a policy of non-compliance with newly imposed, unfunded state mandates.

BE IT FURTHER RESOLVED, that the City Attorney be directed to analyze each decision recommended under such selective policy to determine exposure to and extent, if any, of liability,

recognizing the issues of the bill, the difficulty of implementation, and the nature and extent of financial burden imposed by implementation.

BE IT FURTHER RESOLVED, that the City support the San Diego County's proposed legislation which provides (1) that the state shall reimburse local agencies for 110 percent of an approved claim not paid within forty-five (45) days of filing and (2) to exempt local agencies from performing state mandates if an approved claim is not paid within one year of filing said claim.

APPROVED: John W. Witt, City Attorney

By Jack Katz
Jack Katz
Chief Deputy City Attorney

JK:smm
3/24/82
R-82-1647
Or.Dept:Rules
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APR 12 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 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 June A. Blackwell Deputy.

Office of the City Clerk, San Diego, California

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