

(R-92-1502)

RESOLUTION NUMBER R- 279781

ADOPTED ON APR 20 1992

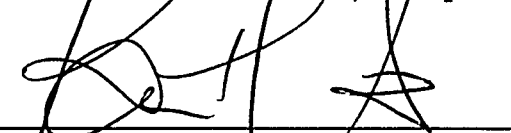
WHEREAS, on March 18, 1992, the Committee of the Whole reviewed the Department of Legislative Services (DLS) Report No. 92-15, dated March 12, 1992, regarding a proposed revision to Council Policy 000-19, Legislative Policy Guidelines, and referred the matter to the City Council without discussion; and

WHEREAS, the proposed revisions to Council Policy 000-19 are a result of recommendations from the Economic Development Task Force and the City Manager; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the Council hereby approves the revisions, as an addendum, to Council Policy 000-19, Legislative Policy Guidelines, as set forth in DLS Report 92-15, dated March 12, 1992.

BE IT FURTHER RESOLVED, that the Council reaffirm its direction to DLS to continue current activities in support of border economic development.

APPROVED:  JOHN W. WITT, City Attorney

By 
Kenneth K. Scott
Deputy City Attorney

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03/27/92
Or.Dept:DLS
R-92-1502
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COUNCIL POLICY

SUBJECT

LEGISLATIVE POLICY GUIDELINES - 1991-1992

POLICY
NUMBER

000-19

EFFECTIVE
DATE

03/25/91

BACKGROUND:

The San Diego Municipal Code (Chapter II, Article 2, Division 19, Section 22.1901) requires the Department of Legislative Services (DLS) to:

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 grant program.

PURPOSE:

Legislative Policy Guidelines provide policy direction to City Departments and DLS in evaluating State and Federal proposed legislation and in preparing a timely response which sets forth the support or opposition of the City to this legislation.

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I. CIVIL LEGAL MATTERS**A. GOVERNMENT PUBLIC LIABILITY**

1. Support efforts to reinforce public entity design and discretionary act immunity.
2. Support 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. Support 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. Support 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.
5. Oppose efforts to further erode governmental tort immunity.
6. Oppose efforts to remove or weaken any statutory time limits as to the filing and serving of claims and lawsuits.
7. Oppose efforts to open public entities to liability for punitive or exemplary damages.
8. Oppose efforts to distribute premiums on a Statewide basis, both auto insurance and general public liability insurance, that would negatively affect the cost of such insurance for the City of San Diego.

B. CONSUMER PROTECTION

1. Support efforts which enhance the role of the City Attorney as the enforcing Officer for consumer complaints within the City of San Diego.
2. Support efforts to hold California Public Utilities Commission (CPUC) hearings in San Diego especially when issues of importance to San Diego residents are being heard, such as merger or acquisition hearings involving San Diego Gas and Electric Company.

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3. Oppose efforts to pass on to consumers any proposed public utility rate increase prior to its approval by the CPUC, provided that a public utility may make monthly adjustments to its rates based on actual fuel costs in an effort to benefit the consumer if these adjustments are approved by the CPUC in a public hearing at least once a year.
4. Oppose efforts to eliminate territorial rating when determining insurance premiums, including but not limited to automobile insurance.
5. Oppose efforts to prevent local government acquisitions of public utilities by means of exercise of the power of eminent domain.

II. PUBLIC SAFETY**A. LAW ENFORCEMENT AND CRIMINAL JUSTICE**

1. Support efforts to enhance provision of safe, drug free public housing communities through support for stronger tactical responses (e.g., code enforcement, police protection) and strategic responses (e.g., prevention, treatment, education).
2. Support efforts that strengthen present State or Federal laws with the following goals:
 - a. Give local governments the power to further restrict or regulate prostitution.
 - b. Impose additional penalties upon persons committing crimes involving bodily injury against the elderly, handicapped or children.
 - c. Strengthen California's obscenity laws.
 - d. Assist local law enforcement agencies in abating the increasing incidence of gangs and gang-related crimes.
 - e. Assist local law enforcement agencies in investigating and solving sex-oriented crimes and murders of children.
 - f. Provide adequate legal remedies to persons injured through the production and distribution of pornography.

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- g. Legislation that will weaken or eliminate State and Federal exclusionary rules.
 - h. Impose additional penalties upon adults who furnish illegal drugs to children or who expose children to the unsafe and illegal environment of places of drug manufacture and sale.
3. Support efforts to improve local law enforcement with the following goals:
- a. Extend public safety law, assist local agencies in its enforcement, or increase penalties for violation thereof.
 - b. Upgrade the training, education, safety, equipment and professionalism of police officers and prosecutors.
 - c. Improve entry level standards of police officer applicants and local authority to screen applicants, including, but not limited to, psychological testing and polygraph tests.
 - d. 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.
 - e. Provide funding for research and development and/or implementation of neighborhood dispute resolution centers.
 - f. Provide State and Federal funds for the implementation of a comprehensive K-12 drug abuse and gang prevention education in the public schools.
 - g. Provide Federal funding for State and local law enforcement programs that address the drug abuse problem.
 - h. Provide State and Federal funding to establish and maintain border check points at San Ysidro, Otay Mesa and Tecate to curtail the flow of stolen property from the State.
 - i. Provide State and Federal funding to increase enforcement and prevention programs addressing street gangs and drug crimes.

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- j. Support County efforts to acquire more jail space.
- k. Support authorization for privatization of jail and honor camp facilities.
- 4. Support efforts that encourage victims/witnesses of crimes to participate willingly in the criminal justice system.
- 5. Support efforts by the State to further regulate or ban the manufacture and sale of fortified wines.
- 6. Support efforts to increase the State alcohol tax if the revenue generated is dedicated to alcohol and drug related costs, especially local law enforcement and park and recreation programs.
- 7. Support efforts which broaden access to those law enforcement records, including intelligence and personnel files, which are currently privileged and confidential.
- 8. Oppose efforts that impose upon legally conducted law enforcement activities unnecessary restrictions which exceed constitutional safeguards.
- 9. Oppose efforts to impose additional restrictions on the authority of local agencies to regulate the sale of alcoholic beverages.

B. FIRE SUPPRESSION/PREVENTION

- 1. Support efforts that strengthen present State or Federal laws with the following goals:
 - a. Give local government the power to further regulate fire inspection/fire investigation activities, and to establish fees to recover inspection costs.
 - b. Impose additional penalties upon persons deliberately or negligently setting fires, or creating fire hazards through code violations.
 - c. Provide immunity from liability for fire fighting personnel and contractor paramedics providing City medical services.

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2. Support efforts to improve local fire fighting with the following goals:
 - a. Upgrade the training, education and professionalism of Fire Fighters, Fire Inspectors and Fire Investigators.
 - b. Provide funding for research and development with as much local discretion in the use of funding as possible, including but not limited to land use strategies, site design and use of building materials to further avoid or reduce fire hazards.
 - c. Provide funding for additional fire prevention/community education programs.
3. Support efforts to include consideration of fire prevention and safety issues in building siting and design legislation recognizing that an unreasonable burden should not be placed on property owners and their tenants. This specifically includes efforts to encourage and eventually require such items as installation of smoke alarms and/or sprinklers in all buildings.
4. Support efforts to provide tax incentives for building earthquake safety improvements, provided that methods are clearly identified determining the amount of a project that can be attributed to earthquake improvements.
5. Oppose efforts to impose standards governing the provision of emergency medical services which may adversely affect the ability of local facilities to provide such services.

C. COMMUNICATION

1. Support efforts to plan for long-term radio communication needs of local government, including:
 - a. Adequate additional radio communications spectrum;
 - b. Logical evolution from current technology to more spectrally efficient systems, such as trunked systems;
 - c. Continued support of the use of local "coordination" for all 2-way land mobile radio services to minimize the effects of radio interference problems;

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- d. Cooperative communication site planning to optimize site functionality and aesthetics, while minimizing disruption to environmental and community scale.

D. BOATING SAFETY

- 1. Support legislation aimed at promoting boating safety including, but not limited to:
 - a. Mandatory boating education for the operators of recreational vessels.
 - b. Restrictions or prohibitions on the consumption of alcohol by vessel operators.
 - c. An increase in the minimum age of motor vessel operators.
 - d. Increased funding to support boating safety equipment and personnel.
 - e. Protection from high speed watercraft for swimmers and surfers.

III. LOCAL GOVERNANCE**A. FISCAL AUTHORITY**

- 1. Support efforts which permit retention and control by local governments of a greater portion of the revenue generated by Federal, State and local taxes, fees and assessments rather than having those revenues returned with restrictions through subventions from Federal and State government with the following goals:
 - a. Require the Federal government and State to provide a subvention to reimburse local governments for all mandated costs or regulatory actions.
 - b. Seek an exemption from the imposition of sales and use taxes on sales to and purchases by local governmental entities.
 - c. Require City taxpayers to pay only their fair tax share of County services costs.

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2. Support efforts in the U.S. Congress with the following goals:
 - a. A balanced Federal budget which obtains reductions equitably among foreign, defense and domestic programs and which does not reduce spending in cities disproportionately to other programs.
 - b. 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, including a fair share of impact grants.
 - c. Obtain full reimbursement from the Federal government for the costs of treating raw sewage from Tijuana at any treatment work location in the City of San Diego.
 - d. Restore General Revenue Sharing by supporting reauthorizing legislation which would include:
 - (1) designation of general purpose local governments as the principal eligible program participants;
 - (2) annual increases in funding for local governments to help compensate for inflation.
 - e. Constrain the Treasury Department from issuing arbitrage regulations based on ambiguous statutory language.
 - f. Develop a provision for Federal support of local efforts, especially in law enforcement which provides sufficient funds, program responsibilities, and direct pass-through requirements for local governments.
 - g. Obtain Federal funding for implementation of secondary sewage treatment and water reclamation.
3. Support efforts to maintain 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.
4. Support efforts to continue and expand the types of municipal investment-grade revenue bonds which may be underwritten by commercial banks.

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5. Support reform of the State's corporate income tax law with the following goals:
 - a. encourage foreign investment in California.
 - b. protect the competitive position of U.S. based multinationals and purely domestic businesses.
 - c. protect State revenue.
6. Support efforts to obtain full cost reimbursement for facilities or services provided by the City to other governmental entities.
7. Support efforts to further modify Article XIII B of the State Constitution by adding a third annual adjustment factor to account for economic growth.
8. Support efforts to establish flexible and creative means for local government to finance needed public facilities and improvements.
9. Oppose efforts to diminish local autonomy or the home rule authority to govern municipal affairs.
10. Oppose efforts which allow the State or Federal government to preempt those rights to levy taxes, fees and assessments as authorized by the California Constitution and the Charter of the City of San Diego.
11. Oppose 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.
12. Oppose efforts to repeal or reduce Community Development Block Grants.
13. Oppose efforts which reduce City revenue without conferring on the City a commensurate public benefit that is clearly identifiable and separate from a general State-wide benefit.
14. Oppose efforts which would impose additional administrative requirements and/or reduce local governments' autonomy in interpreting or implementing Article XIII B of the State Constitution.

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15. Oppose efforts which would allow the Federal government to restrict administrative costs related to issuance of tax-exempt bonds including one-time and/or annual fees.
16. Oppose efforts which would impose additional administrative requirements and/or restrict a local government's ability to finance public facilities through the issuance of long term debt.
17. Oppose efforts which would limit the deductions for State and local taxes.
18. Oppose efforts to impose costly maintenance of effort requirements for the receipt of State and Federal funds.

B. PORT DISTRICT

1. Support efforts giving local municipal elected officials the flexibility to serve as port commissioners, or to call for a city-wide election of commissioners.
2. Support efforts giving the City a more realistic monetary reimbursement for services that the City provides on Port property.
3. Support efforts requiring the Port District to create a fund, and make yearly contribution to the fund, for the future construction of an adequate regional airport.

C. LABOR RELATIONS**1. PUBLIC EMPLOYER-EMPLOYEE RELATIONS**

- a. Support 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.
- b. Support efforts to reverse the State Supreme Court's decision granting the right of public employees to strike and to reestablish the long-standing practice of outlawing public employee strikes.
- c. Oppose efforts which mandate the inclusion of State and local government part-time and temporary employees in the Social Security system.

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- d. Oppose 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.
- e. Oppose efforts which impose restrictions on the scope and authority of charter cities to control their own retirement systems.
- f. Oppose efforts to include peace officers in an employee bargaining unit composed of non-peace officer personnel.
- g. Oppose efforts to mandate changes in wages, hours, or working conditions which are properly determined through the meet and confer process.
- h. Oppose efforts to mandate agency shop arrangements which require employee organization membership and fees as conditions of employment.
- i. Oppose efforts to mandate binding arbitration or any form of third party intervention in the meet and confer process or grievance procedure.
- j. Oppose efforts to mandate the inclusion of existing or new public employees in either the Federal Social Security or Medicare systems.
- k. Oppose efforts that impose restrictions on the scope and authority of charter cities to control their own Civil Service Merit Systems.

2. UNEMPLOYMENT COMPENSATION

- a. Support efforts that restructure the system to prevent abuse.
- b. Support efforts that give the City more direct control over the administration of the program.
- c. Support efforts to finance this program from State and Federal resources.

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- d. Oppose efforts that increase City liability, both fiscally and administratively.

3. WORKERS' COMPENSATION

- a. Support efforts to amend the Workers' Compensation Law so that disputes will be resolved with equity and fairness to the employee and employer.
- b. Oppose efforts to increase the City's liability base for Workers' Compensation.
- c. Oppose efforts to impose State controls and regulation over self-insured local governments.
- d. Oppose efforts to create presumptions that employees with certain medical conditions acquired them during the course of their City employment.
- e. Oppose efforts to allow employees to seek additional remedies for an on-the-job injury in addition to Workers' Compensation benefits.

D. ELECTIONS/LEGISLATIVE PROCESS

1. Support legislation or programs designed to encourage registered voters to participate in the election process.
2. Support legislation to increase local autonomy and authority over the administration and regulation of the municipal elections process including, but not limited to, initiative, referendum, recall and Charter amendment.
3. Support efforts to strengthen local control and authority over the legislative process, including public noticing and meeting requirements.
4. Oppose efforts to diminish the autonomy granted the City by City Charter over the administration and regulation of the municipal elections process.
5. Oppose legislation altering existing State law regarding the revision or amendment of the City Charter.

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6. Oppose efforts to further diminish local authority to establish public noticing and meeting requirements.

IV. ENVIRONMENTAL PROTECTION/NATURAL RESOURCE PRESERVATION**A. CLEAN AIR**

1. Support efforts to achieve further reductions in the emission of air pollutants with the following goals:
 - a. Provide for application of reasonably available control technology to motor vehicles, and stationary sources in industry.
 - b. Encourage expansion and continuation of State and Federal alternative fuels development programs, including mass transportation applications. Encourage the development of a comprehensive and safe distribution system as these fuels become available.
2. Support legislation that eliminates use of chlorofluorocarbons by 1997 and establishes regulations for recycling.
3. Support legislation to eliminate the use of all ozone-layer depleting chemicals by 2005.
4. Support efforts which provide State or Federal funding and technological development opportunities for pollution control equipment which is necessary to meet air quality standards and requirements for resource recovery projects.
5. Support financial incentives to industry and employers that establish programs to reduce air pollution impacts with 10%, 20% and 40% reductions in carbon dioxide by the first part of the 21st century.

B. CLEAN WATER/WATER CONSERVATION

1. Support efforts to provide State and Federal funding to support new technologies and implementation of a system of water reclamation and secondary sewage treatment.
2. Support efforts to promote and fund a system which produces potable water, food and electricity from sewage by use of

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aquaculture and reverse osmosis, and other low energy consuming technological methods.

3. Support efforts to promote and allow the secondary use of "gray water" for outdoor irrigation for industrial, commercial, residential and public facilities purposes.
4. Support efforts which encourage the use of meters for water in those communities reliant upon shared water systems.
5. Support efforts which encourage the State and Federal governments to establish priorities for the use of water, including the promotion of drought tolerant landscaping and the use of drip irrigation.
6. Support efforts to provide economic incentives for the installation of double piping in all buildings and projects.
7. Support efforts to secure funds to assist local government projects to increase the supply of potable water where technically and economically feasible, including but not limited to the allocation of funds for water reclamation and desalinization.
8. Support efforts to 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.
9. Support efforts to utilize funds from the Clean Water Act for secondary treatment programs, for water reclamation projects in cities, as well as new technology treatment and reclamation programs.
10. Support efforts to encourage voluntary water transfers and exchanges throughout California, under terms consistent with needs of the water purveyors and the requirements of the applicable State and Federal law.
11. Support efforts to encourage and provide financial incentives to recharge underground aquifer reservoirs.
12. Support efforts to provide financial incentives for runoff programs designed to recharge underground aquifers following natural drainage patterns.

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13. Seek Federal and/or State funds for facilities to capture and treat the flows of raw sewage entering San Diego from Tijuana, Mexico. The operation and maintenance costs of such facilities shall be the responsibility of the Federal government.
14. Oppose efforts to require mandatory testing of all storm drain and sewer discharge points, except for those that are funded by State and Federal agencies and those mandates which refer to discharges into identified natural habitat or public recreational areas, and except where cost reimbursement is provided by the mandating agency.
15. Oppose efforts to apply the Federal 1902 Reclamation Act - 160-acre irrigation limitation - to recipients of water.
16. Oppose efforts to protect water rights which result in a reduction of water supply or substantially increase the costs for cities or counties which import water.
17. Oppose efforts by appointed boards to establish Statewide water policy when Southern California is not represented either geographically or by viewpoint.

C. BIOLOGICAL AND HABITAT PRESERVATION

1. Support 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.
2. Support efforts to provide State and Federal funding for the study, acquisition, preservation, and/or management of biological habitats known to contain sensitive or endangered species.
3. Support efforts to provide adequate flood protection along the City's streams and creeks.
4. Support efforts to provide incentives for habitat and historic preservation, restoration, and rehabilitation.
5. Support efforts to require, where feasible, conservation and recycling of natural resources, including but not limited to water, timber, endangered species of flora and fauna, habitats that support biological resources including

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wetlands, steep slopes and their supportive areas, oil, natural gas, minerals, and earth metals in all aspects of their use by business, agriculture, government and individual citizens.

D. HAZARDOUS MATERIALS

1. Support efforts to improve the coordination of Federal, State and local agency responses to environmental hazards with the following goals:
 - a. Encourage adoption of legislation which contains incentives to minimize the use of hazardous materials and the production of hazardous waste, regulates the safe storage, use and handling of hazardous materials and hazardous materials storage tanks, and has as its purpose the substitution of non-hazardous materials in products and processes. (Hazardous materials include explosives, compressed gases, flammable and combustible liquids, oxidizers, corrosives, radioactive and unstable [reactive] materials, and toxic gases and materials.)
 - b. Support legislation which provides funding for assessing, reducing and eliminating and mitigation of contamination caused by hazardous materials and hazardous wastes in the bays and coastal waters and parcels of property in San Diego.
 - c. Support legislation that continues hazardous materials management and hazardous waste management planning as a joint responsibility among Federal, State and local governments, retaining local control over land-use decisions and long range planning, development, zoning including production and use, and transportation regulations.
 - d. Support efforts to include the U.S. military and other Federal agencies in cooperative hazardous waste management planning including the obligation of the U.S. military to provide information on potential community impacts and to further coordinate with the Republic of Mexico in resolving hazardous material and hazardous waste issues.

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- e. Support legislation which would provide continued funding for the implementation and updating of the hazardous waste management plan.
 - f. Support efforts to provide economic incentives for the use of non-harmful chemicals and programs in agricultural activities.
 - g. Support efforts to coordinate State and Federal "community right-to-know" regulations, provided that the resulting programs are at least as comprehensive as that presently required by California State law, and legislation that integrates State and Federal hazardous materials, emergency response, and community "right-to-know" programs.
 - h. Support efforts to phase out current and establish stricter standards on the use of chemicals applied to food, including chemicals that cause cancer, reproductive harm, or other widespread health effects on human populations and establish financial disincentives for the use of such chemicals.
 - i. Support efforts to require at the State and Federal level full label disclosure on hazardous consumer products such as paints, pesticides, cleaners, and automotive products. Labels should include clear health and environmental hazard warnings and proper disposal information.
2. Support efforts to respond to the need to eradicate exotic pests and thereby ensure the protection of the public health, the natural environment and the economy of the region including:
- a. promoting research and implementation of alternative pest control and eradication programs;
 - b. requiring risk assessments including a scientifically validated finding that no significant risk is presented before aerial spraying can be authorized;
 - c. requiring assessments of cumulative and other impacts from multiple applications of pesticides and prohibiting multiple applications of a pesticide over an urban area;

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- d. providing a process to challenge eradication authorizations which requires written findings on the following:
- (i) amount of pesticide which may be used,
 - (ii) protection from substantial risk to non-target plants, insects or animals,
 - (iii) assurance that significant damage to the environment, secondary pest outbreaks or pest resistance will not result, and
 - (iv) full public notice and warning procedures to be provided.
- (e) delegating the cost of pest eradication programs which benefit a specific industry to industry supported accounts including the costs of monitoring and public notice, education, outreach assistance and health care.
3. Oppose aerial spraying of poisonous pesticides, including Malathion, in residential areas, without a full public review process to include noticed public hearings.
 4. Support economic disincentives, or taxes on transportation of oil through State waters; designate the revenues to a special fund to finance pollution impacts.
 5. Oppose efforts to develop petroleum and natural gas resources in off-shore water within 100 miles of the San Diego coastline unless sufficient natural gas and oil reserves exist to be of significant importance to our national energy supply; and, the adverse environmental considerations relating to air quality, water quality, seismic, biological and socioeconomic impacts of the leasing have been identified and adequately mitigated.
 6. Support efforts to improve upon the necessary safeguards for the disposal of nuclear waste and the safety of nuclear power plants.

E. INTEGRATED WASTE MANAGEMENT

1. Support economic incentives for government and business acquisition of recycled products, including paper.

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2. Support efforts which promote and fund the recycling-reclaiming of natural resources for reuse, including but not limited to water, timber, oil, gas, minerals, earth metals, and solid waste materials including synthetics and organic material.
3. Support efforts to clearly define the role of State and Federal government in waste disposal and management matters to those areas having a clear Statewide or national significance, recognizing that such State or Federal authority should not preempt the authority presently granted to local agencies.
4. Support efforts to strengthen the authority and increase the financial resources of local agencies for local waste disposal and management, including but not limited to landfill siting, incinerator siting, waste reduction strategies, industrialization of primary materials resource recovery, recycling, landfill diversion programs, resource recovery, and hazardous waste management programs.
5. Support efforts at the State and Federal level that encourage recycling including: increased funding for local recycling programs, deposits on products which should be diverted from landfill disposal to recycling or result in inordinately high management and disposal costs to local agencies such as batteries, tires, paints and consumer products considered as household hazardous wastes, additional incentives for the manufacture and use of products containing postconsumer recycled materials, removing barriers to recycling, and promoting waste reduction, and providing research to obtain resource recovery of primary chemical materials for reuse.
6. Support efforts that improve the coordination of Federal, State and local agency responses to environmental hazards with the following goals:
 - a. To provide incentives to industry to minimize the production and use of materials that become hazardous wastes, and to promote the use of non-hazardous materials in products and processes.
 - b. To provide incentives to industry to develop primary materials chemical resource recovery programs that would allow the reuse of said materials minimizing waste.

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- c. To provide funding for the assessment and mitigation of environmental contamination caused by hazardous materials and hazardous waste.
 - d. To continue the management and planning of hazardous waste as a joint responsibility among Federal, State and local governments.
 - e. To include the U.S. military and other Federal agencies in cooperative hazardous waste planning.
 - f. To provide continued funding for the implementation and updating of the hazardous waste management plan.
 - g. To coordinate State and Federal "community right-to-know" regulations provided that the resulting programs are at least as comprehensive as that presently required by State law.
 - h. To provide economic disincentives for production of non-recyclable materials to help pay for their disposition.
7. Support the State's Recycling Policy to direct the Statewide solid waste system and State agencies to aggressively:
- a. Expand markets and uses for recovered materials and products by both the public and private sectors.
 - b. Determine the full costs of collection and disposal of solid waste and pursue waste reduction alternatives when they are less costly than the full costs of collection and disposal.
 - c. Use solid waste planning and permit processes to require local governments to implement meaningful source reduction and recycling programs (with industry participation). This State Recycling Policy, while leaving to local government and industry the decisions on how to implement specific recycling programs, would provide an ambitious and consistent process Statewide by which substantial, measurable progress can be achieved.

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- d. Support the development of products which can be recycled and/or reused and seek to eliminate products which are designed for one time use.
8. Support legislation that will fund research and development programs for industrial/technological solutions to recycle hazardous waste by breaking it into its original chemical components for reuse.
 9. Support penalties for improper disposal of chemical waste, and provide economic incentives for its safe disposal.
 10. Support State legislation to require full environmental review and permitting for hazardous and solid waste facilities proposed for Native Indian Reservations and restricting the use of these facilities by local governments unless properly permitted.
 11. Oppose efforts to reduce local control and autonomy in dealing effectively with its responsibilities for solid waste management.
 12. Oppose efforts to delegate full authority to counties for the siting of waste management facilities, including but not limited to materials recovery facilities, composting facilities, transfer stations, landfills and hazardous waste storage, treatment, and disposal sites without appropriate review and concurrence by affected agencies and communities.
 13. Oppose efforts to augment State and Federal hazardous waste cleanup superfunds through the imposition of landfill depletion surcharges or any other form of fee or charge imposed upon local agencies without their consent.
 14. Oppose efforts by the State and Federal governments to mandate non-site specific design standards to landfills without consulting local agencies on the environmental impacts of those specific sites and without funds to implement mandated improvements beyond what is reasonably necessary to protect the environment.
 15. Oppose efforts to permit the incineration of municipal or hazardous waste in areas near habitation and/or environmentally sensitive resources.

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NOTE: See also Council Policy 900-06, Solid Waste Recycling.

F. ENERGY

1. Support an energy policy which maximizes rate stabilization, conservation and efficiency with the following goals:
 - a. Encourage rate and regulatory reform which stabilizes rates, improves the load factor, provides reasonable reliability of supply and maximizes the productive and efficient use of the community's limited energy resources.
 - b. Encourage conservation and energy-efficiency--the most cost-effective source of new electrical supply--through government or utility-funded programs which will accomplish the following:
 - (1) Provide financial incentives for residential and small business consumers to install measures such as fluorescent lighting, ceiling insulation, solar systems to replace electric water-heating, and energy-efficient appliances and equipment, and site/development designs to conserve energy.
 - (2) Provide financial incentives for large industrial and commercial customers to install measures such as economizers, daylighting, low pressure sodium-vapor outdoor lighting, computerized energy management systems, thermal energy storage, and cogeneration, and site/development designs to conserve energy.
 - (3) Encourage homeowners, businesses and the building industry to develop energy-efficient facilities including -- seeking the reinstatement of utility funded conservation programs and State and Federal solar energy tax credits and incentives for active and passive development/designs to enhance solar, wind, water, and other recoverable energy generation methods.
 - (4) Inform consumers of the energy cost and consumption impacts of energy-using equipment,

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appliances, buildings and site design orientation through the establishment of required efficiency rating standards and labeling.

(5) Maintain and strengthen Federal fuel efficiency standards for vehicles, and provide economical incentives for development of energy efficient vehicles and vehicles using alternative technologies.

(6) Encourage, through changes in the regulated land-development process, the use of energy-efficient and cost-effective designs, materials, and equipment in the construction of siting and development intensity of new residential and non-residential buildings.

2. Support efforts which encourage new electrical supply from independent power producers through government or utility-funded programs, in order to delay the building of new utility-owned powerplants and to avoid overdependence on purchase of power from non-San Diego sources. Goals for encouraging electrical supply from non-utility sources include the following:

- a. Encourage resource recovery and utilization of sewage and landfill methane gas by-products for new energy resources.
- b. Encourage cogeneration through the removal of barriers to intra-grid transfer (sometimes referred to as "wheeling") of electricity and through utility payments to cogenerators which reflect long-term, reliable provision of electrical generating capacity.
- c. Encourage the development and uses of photovoltaics, solar water heating and passive solar designs, as well as water and wind generated energy and other recoverable energy resources in new residential and commercial construction.

3. Support efforts which encourage new electrical supply from utility sources when necessary to ensure there will be an adequate and reliable supply in the future, including the following goals:

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- a. Support mixed fuel sources for utility-owned, centralized electrical power generation in order to further reduce dependency upon oil and gas fired generation, including consideration of future use of solar thermal, geothermal, photovoltaic wind and water driven technologies.
- b. Support a utility contingency plan in the event new supply is needed quickly, which would include the following:
 - (1) Implementing additional utility-funded conservation and load management strategies; returning stored generating units to service; securing additional firm contracts for purchased power; or building new centralized powerplants, at a scale consistent with adjacent communities.

V. LAND USE**A. PLANNING/GROWTH MANAGEMENT**

- 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, subdivisions, and annexation with the following goals:
 - a. Expand local agencies' authority to require land dedications and/or in-lieu fee payments for the site acquisition, construction enhancement or maintenance of public facilities and programs as conditions precedent to the approval of tentative subdivision maps.
 - b. Extend the extraterritorial regulatory authority and fair share contribution to public facility financing and operations by cities into adjoining unincorporated areas within their sphere of influence.
 - c. Facilitate the annexation of unincorporated county islands, with appropriate distribution of tax revenues.
 - d. Expand local agency discretion for compliance with State mandates, including such items as mitigation banking, housing element, congestion management.

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- e. Expand the authority of a local agency to participate in the process of defining regional growth needs and the means to satisfy them, commensurate with the agency's service population and financing availability.
 - f. Expand the authority of a local agency to obtain development fair-share financing of public facility upgrades for capital improvements as well as operations.
2. Support efforts to clearly define the State and Federal governments' role and authority in land use matters to those having a clear statewide or national significance, recognizing that such State or Federal authority should not preempt the authority presently granted to cities. The historical role of cities includes the authority to require all necessary social, economic and environmental mitigation to communities impacted by land use proposals.
 3. Support efforts to provide fair share economic return to the City for the "value added" to older (10 or more years) public easements when these are vacated.
 4. Support efforts to amend the California Coastal Act of 1976 to restore some of the independent planning and regulatory authority previously held by local government agencies within their respective portions of the California Coastal zone.
 5. Support efforts to correct the land use inequities created by the State Supreme Court related to the definition of "family".
 6. Oppose 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.
 7. Support efforts to allow the establishment of residential care facilities, subject to local review and in a manner consistent with the neighborhood, environmental determinants and service area accessibility.
 8. Oppose 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 uses rather than the traditional reasonable abatement schedules.

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9. Oppose efforts that require local agencies to reimburse property owners for diminished values resulting from zoning changes, unless accompanied by similar value increase share when property increases value as a result of zoning changes.
10. Oppose efforts to weaken further the traditional legal doctrine that zoning is a municipal affair by the enactment of prescriptive regulatory statutes pertaining to, but not limited to, housing, mobile home parks, residential care facilities and similar programs.
11. Oppose efforts to diminish the authority of a local agency, when that agency has participated in a process to determine regional needs, to regulate the amount or rate of community growth, development, public facility financing and open space, natural habitat preservation.
12. Oppose efforts to expand vested development rights and to mandate a specific date for compliance, including revision to developer of dedicated property or fees.

B. HOUSING

1. Support efforts to enhance implementation of the City of San Diego's balanced community policy.
2. Support efforts to enhance the City's ability to achieve a jobs/housing balance.
3. Support 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, and encourage the desired development type and intensity as established by the general plan, community plans, and Council policies.
4. Support efforts which lower 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 consistent with community and environmental policies of the City.
5. Support efforts to repeal Article XXXIV of the State Constitution which requires voter approval of low-rent housing projects.

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7. Support efforts to promote Fair Housing through the enhancement of equal access to housing opportunities for all people without regard to their sex, age, race, religion, national origin, color, or handicap.
8. Oppose State and Federal mandated referendum requirements for local housing.

C. TRANSPORTATION

1. Support efforts to encourage incentives for existing homeowners, businesses and industries, within areas impacted by aircraft noise in excess of the State airport noise criteria as measured by the current Community Noise Equivalent Level (CNEL), to install materials designed to deflect, absorb or insulate against detrimental levels of aircraft noise.
2. Support efforts to clearly define Federal, State, regional and local governmental roles and responsibilities in transportation planning with the following goals:
 - a. Reduce State review requirements of projects that are predominantly of regional or local significance.
 - b. Expand financing of local mass public transit efforts including providing for tax incentives to employers that encourage and help finance transit for employee use.
 - c. Require the State to complete an EIR before it abandons a previously approved highway route when the local agencies directly affected have agreed by resolution that the EIR is necessary.
 - d. Insure City authority to lessen traffic congestion through strategies such as ridesharing, staggered work hours and public transit employer/employee incentives.
 - e. Maintain and/or expand freight and/or passenger rail services to and from San Diego, both north, south and east of the City.
 - f. Ensure local government participation in the planning and development of private or public inter-city passenger rail facilities and services.

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- g. Require preparation of EIR's before rail transit routes are abandoned, when local agencies directly affected have agreed by resolution that the EIR is necessary.
 - h. Provide funding for airport development and planning, acquisition and upgrading of airway facilities and equipment, and research, engineering and development to improve the airport/airway system.
 - i. Establish a Class I Terminal Control Area for Lindbergh Field.
 - j. Provide disincentives to private/non-commercial aircraft use of Lindbergh Field and encourage use of alternate airports.
 - k. Reduce and avoid building hazards and obstructions in the vicinity of Lindbergh Field and all other airports.
 - l. Improve non-commercial/general aviation airports throughout California to better serve private pilots and thereby diminish their use of commercial/air carrier airports.
3. The Federal Surface Transportation Assistance Act will expire in 1991, and a new Federal transportation program will be adopted. Support efforts to maximize California's ability to qualify for and receive Federal funding for transportation projects with the following goals:
- a. Support changes in the new Federal Transportation Program which would establish direct funding to local governments for an urban mobility program, to include urban streets, highways and arterials, as well as public transit, and maximize the discretionary authority of local governments to expend funds or any other combination of these improvements which maximize urban mobility in that urban area.
 - b. Complete a "Highway System of National Significance" to maintain and enhance the interstate system a "Federal Aid Surface Transportation Highways" (FAST - Highways) system to replace the former Combined Road (FAU) System, and a comparable "Transit System of National Significance" and a "Federal Aid Surface Transportation-Transit" (FAST - Transit) system.

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- c. Continue to develop the public mass transit network of the region, including Light Rail, Commuter Rail, bus and paratransit systems.
 - d. Allow the exchange of Federal funds with State Gas Tax Funds.
 - e. Allow the use of Federal funds and State Gas Tax Funds to finance roadways or public mass transit programs.
4. Support efforts to increase the amount of funding available to the City for maintaining and/or improving our transportation system and to expedite the availability of existing funds for State construction of the adopted freeway system with the following goals:
- a. Increase user fees proportionate with inflation for the purpose of improved street and highway and rail maintenance.
 - b. Designate all freeway corridors as candidate rail transit corridors eligible for State and Federal transportation funding in conjunction with freeway improvements.
 - c. Adopt and construct State Route 52 from I-805 to State Route 125, including provisions for an LRT route or HOV lanes, when needed.
 - d. Develop an adequate transportation system for the north city area. Said system to include at a minimum Route 56 from I-5 to I-15 and any arterials found to be needed as a result of the Mid-County Transportation Study. All corridors shall be evaluated for and include appropriate urban rail line right-of-way improvements.
 - e. Develop an adequate transportation system for the south city area, including at a minimum SR-905, SR-125, and related light rail and HOV lanes.
 - f. Designate the following as Highways of National Significance: I-15 between I-8 and I-5, SR-905 from I-5 to the International Border, and SR-125 from I-8 to the International Border, as well as all existing interstate corridors as being eligible for the expenditure of appropriate Federal highway funds, including Federal discretionary or demonstration funds.

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g. Designate a Federal Aid Surface Transportation Highways (FAST - Highway) system of urban arterials that is approved by the City of San Diego, and includes at a minimum, all roadways on SANDAG's Significant Regional Arterials System.

5. Oppose efforts to relax aircraft engine noise levels from those standards currently specified by the FAA's FAR 36 regulations.
6. Oppose efforts to limit access to State or Federal funds for transportation projects unless that same level of commitment of local funds is maintained.
7. Oppose efforts to alter the membership of the San Diego Metropolitan Transit Development Board to give the City less than 50% representation.

D. COMMUNITY AND ECONOMIC DEVELOPMENT

1. Support efforts to develop increased Federal and State financial support for, participation in, and local authority to provide economic and community development programs with the following goals:
 - a. Maintain and create tax incentives for private revitalization of existing commercial, industrial and housing resources where such assistance produces net tax and social/community benefits to the City.
 - b. Explore the use of property tax abatement and other State and Federal tax incentives for construction, ownership, improvement and/or maintenance of buildings, structures and neighborhood areas as an additional tool for the promotion of redevelopment projects.
 - c. 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.
 - d. Lower the cost and increase the availability of liability insurance to small business.

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2. Support efforts to expand economic incentives for seismic safety protection and building seismic retrofitting.
3. Support efforts to retain and create financial incentives for private investment in the revitalization of commercial, industrial and residential areas of the City including redevelopment project areas and enterprise zones.
4. Support efforts to retain and increase the ability of the Redevelopment Agency to undertake revitalization of blighted areas through tax increment financing, limitations on toxic cleanup liability, condemnation powers and other strategies as appropriate.
5. Support the continued development of small business in San Diego including technical assistance and financial programs with an emphasis on women and minority owned enterprises.
6. Support efforts to encourage the participation of financial institutions in local community economic development programs.
7. Support efforts to promote a regional approach to economic development which preserves local authority.
8. Support efforts to retain and increase the competitiveness and viability of the San Diego economy through appropriate regulatory policies, and support for public educational institutions, technology transfer, research and development, export, employment and training and affordable housing programs.
9. Oppose efforts which diminish the housing and community and economic development authority of local elected officials.
10. Oppose efforts which restrict or reduce the authority or flexibility of local governments, or which grant the State or Federal government approval or veto authority, in the implementation of local redevelopment, revitalization, and rehabilitation projects, including the use of tax increment financing by local agencies.
11. Oppose State and Federal mandated referendum requirements for local community and economic development projects which would alter those contained in the San Diego Charter.

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E. SCHOOL FACILITY FINANCING

1. Support legislation specifying appropriate procedures to be followed and findings to be made by school districts as a condition of levying school fees and which would not be applied retroactively.
2. Support legislation which provides for fee waiver for public service facilities which are shown to meet an identified public need and to generate no additional demand on school facilities.
3. Support legislation which strengthens and reinforces the ability of local agencies to consider the adequacy of school facilities in making land-use decisions.

VI. SOCIAL PROGRAMS**A. AFFORDABLE HOUSING/HOMELESS**

1. Support efforts to develop coherent State and national housing policies along with increased financial support for, Federal and State participation in, and local authority to preserve and expand adequate affordable housing (home ownership and/or rental opportunities) for the elderly, handicapped, and low income persons throughout the community with the following goals:
 - a. Fund a multifaceted housing agenda which includes housing production and preservation programs along with rental assistance and rehabilitation.
 - b. Maintain and create tax incentives for private and nonprofit development and preservation of affordable housing.
 - c. Enhance the City's Housing Trust Fund and related programs.
 - d. Balance nonprofit and other development interests in providing affordable housing.
 - e. Provide complete and timely utilization of redevelopment tax increment funds which are set aside for affordable housing, and target use of those funds for low and very low income households.

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- f. Promote but not mandate linkages between housing assistance and programs which encourage resident self sufficiency.
- 2. Support efforts to develop increased financial support for, Federal and State participation in, and local authority to provide adequate housing for homeless persons throughout the community with the following goals:
 - a. To allow for the establishment of sufficient emergency shelter bed spaces to serve the community need.
 - b. To allow for the establishment of transitional housing facilities that provide a bridge between emergency shelters and conventional housing.

B. CHILD CARE/FAMILY SERVICES

- 1. Support legislation to provide funding to encourage local communities to develop needed services for school age children and youth including after-school programs, family crisis programs, gang prevention and diversion programs, drug prevention and treatment programs, and work experience programs.
- 2. Support Federal and State government and private funding efforts which enhance the quality and broaden the accessibility of child care and preschool insofar as this does not conflict with other legislative goals.
- 3. Support and promote Federal and State action that enhances quality, affordable, accessible child care services for children from birth to 12 years of age, including special needs and high-risk infants and children.
- 4. Support legislation to expand resources for funding programs, professional staff, and facilities for child care services.
- 5. Support efforts to expand public/private collaboration and coordination in order to meet the child care needs of children and families.
- 6. Oppose unreasonable barriers to the provision of affordable, accessible, quality child care.

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C. HEALTH CARE

1. Support funding efforts to support programs which educate the public about the AIDS virus.
2. Support funding efforts to provide treatment and greater access to assistance for AIDS patients and persons who test positive Human Immunodeficiency Virus (HIV).
3. Support efforts to provide direct funding to local agencies to support programs related to AIDS.
4. Support funding efforts to support programs and shelter projects which enable local communities to cope with needs of the homeless and mentally ill.
5. Support efforts to increase State and Federal funding to provide human care services in San Diego, such as perinatal and mental health care, to a level that is at least equal with other metropolitan areas, without decreasing other subvention or entitlements to local agencies.
6. Oppose efforts to unreasonably violate the civil rights of AIDS infected individuals and those testing HIV positive.

VII. BINATIONAL ISSUES

- A. Support efforts to enhance and strengthen relationships between the City of San Diego and the City of Tijuana including legislation which would:
 1. Improve the economic and social conditions of the San Diego/Tijuana border region, including improvements in infrastructure.
 2. Lower international tariffs with Mexico and encourage free trade between the United States and Mexico consistent with mutual economic benefit, health and safety requirements.
 3. Enhance and develop an interrelationship with Mexico with an emphasis on local involvement in decisionmaking, finding solutions to environmental and public infrastructure problems, and increasing understanding and cooperation.

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4. Support binational projects and cooperation in San Diego and Baja California.
 5. Cooperate with the Republic of Mexico in resolving hazardous material and hazardous waste issues.
 6. Improved binational communication (radio) capabilities between San Diego and Tijuana public safety functions.
- B. Oppose efforts to superimpose additional layers of government or bureaucracy over the City's authority on border development and cooperation.

HISTORY

Adopted by Resolution R-215271	02/04/76
Amended by Resolution R-217593	01/19/77
Amended by Resolution R-220343	02/22/78
Amended by Resolution R-220610	04/04/78
Amended by Resolution R-221046	06/05/78
Amended by Resolution R-222441	12/18/78
Amended by Resolution R-251151	02/11/80
Amended by Resolution R-253928	03/31/81
Amended by Resolution R-256673	06/29/82
Amended by Resolution R-257926	02/07/83
Amended by Resolution R-258153	03/28/83
Amended by Resolution R-263166	05/13/85
Amended by Resolution R-265807	05/27/86
Amended by Resolution R-268152	04/20/87
Amended by Resolution R-268841	07/13/87
Amended by Resolution R-270123	01/11/88
Amended by Resolution R-272878	02/14/89
Amended by Resolution R-277553	03/25/91

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CITY CLERK'S OFFICE
SAN DIEGO, CA

Passed and adopted by the Council of The City of San Diego on APR 20 1992
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

.....
MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

.....
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By Mary Cepeda, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 279781 Adopted APR 20 1992