

CITY OF DEL MAR



2021 LEGISLATIVE POLICY GUIDELINES

APPROVED FEBRUARY 16, 2021
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INTRODUCTION

The following guidelines shall be utilized by the City to take appropriate positions regarding both State of California and federal legislative and administrative issues that affect the City of Del Mar. The guidelines are to define City Council approved positions and to assist the City Council and staff in pro-active advocacy and in responding to various issues as they arise so that the City response may be timely, clear, and consistent with City Council direction. The guidelines are also to guide the official positions of Council Members that represent the City on regional and/or local government bodies. At any time, any two Council Members may recommend changes to the Legislative Policy Guidelines.

When a legislative matter arises that is addressed in these guidelines, City staff may prepare a letter for the Mayor's signature taking a position on the matter in accordance with these guidelines. For issues not addressed in these guidelines, or if there are mitigating factors where the City Council may want to take a position different from those indicated in these guidelines, the issue shall be considered by the City Council for direction.

As needed, any two Council Members can provide periodic updates of important legislative issues to the City Council at regular City Council Meetings. The City Council will then have the opportunity to approve a position statement on the issues. The City Council will review the Legislative Policy Guidelines annually to recommend changes prior to the beginning of each legislative session.

If for some reason there is a conflict between City Council adopted goals and these legislative policies, the adopted goals shall supersede these policies.

Guiding Principles

I. Preserve Local Control and Governance

Preserve and protect the City's authority, duties, and prerogatives to enact local legislation and policy direction concerning local affairs. Oppose legislation that preempts local authority and advocate for the preservation of the City's ability to raise revenue and provide vital services for its residents.

II. Promote Fiscal Stability

Support measures that promote fiscal stability, predictability, financial solvency, and preserve the City's revenue base. Maintain maximum control over local government budgeting while opposing measures that shift local funds to the county, state, or federal governments to implement unfunded mandates and other regulatory costs.

III. Support Funding Opportunities for Projects Consistent with City Goals

Support funding opportunities that allow the City to compete for its fair share of regional, state, and federal funding. Support funding for programs consistent with City

goals including but not limited to economic development, infrastructure development, housing, transportation, air quality, water quality, parks and recreation, fairgrounds, hazard mitigation, public safety, and public health.

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I. LOCAL GOVERNMENT FINANCE

A. State-Federal Mandated Programs

1. Support legislation requiring the State and Federal Government to provide full cost reimbursement to cities for all mandated programs and for all programs resulting in revenue losses.
2. Oppose any measure that mandates procedures (such as maintenance-of-effort) that would make local government more dependent on the State for financial stability.
3. Support legislation that further protects local government revenue from being taken, confiscated, shifted, diverted, or otherwise used to fund State government operations and responsibilities.

B. Long-Term Financing of Local Agencies

1. Support legislation to stabilize local government financing, to increase funding to local agencies and to permit the most cost-efficient management of state-mandated programs.
2. Support enhancement of Community Development Block Grant and other Federal funding.

C. Revenues, Fees and Taxes

1. Support legislation that increases revenues or improves local government's ability to generate revenue.
2. Support legislation to protect and preserve local control over locally imposed taxes and fees (such as transient occupancy tax, wireless communication infrastructure fees, and franchise fees).
3. Support legislation that would prevent property and sales tax shifting from cities.
4. Support legislation to protect critical local programs, services, and funding from administrative action and/or State budget cuts during the current legislative session.
5. Support legislation that would create cost recovery for local police, fire, and emergency medical services to state properties.
6. Support legislation that would create cost recovery for local non-safety public services to state properties.

7. Support legislation that would amend the State Constitution Article XIID, Section 6.C. to include storm drain fees among the list of types of fees that are exempt from the voting requirements imposed by Proposition 218.
8. Oppose legislation or administrative action that reduces or reallocates revenues attributable to Del Mar to any other governmental entity, including the County, State, or Federal governments.

D. Procurement

1. Oppose legislation that would overly complicate, prolong, or make existing laws pertaining to procurement of goods and services more onerous for local cities.

E. Public Health Relief Measures

1. Support all local, state, and federal legislation or administrative action that provides direct funding relief to cities that have been economically impacted by a public health emergency and/or stay-at-home mandate, including the flexibility to backfill lost revenue.
2. Support all local, state, and federal legislation or administrative action that provides direct relief funding and/or programmatic support for local businesses that have been economically impacted by a public health emergency and/or stay-at-home mandate.

II. GENERAL GOVERNMENT

A. Workers' Compensation

1. Oppose legislation that would increase employee benefits without system reforms which would offset increased employer costs.
2. Oppose legislation that would provide presumptive eligibility for the award of benefits for Workers' Compensation or other employee health benefits.
3. Support legislation that would remove existing presumptive eligibility for the award of benefits for Workers' Compensation or other employee health benefits.
4. Support legislation that would reform the Workers' Compensation system to reduce employer cost through the reduction of system abuse.

B. Unemployment Compensation

1. Oppose legislation which would increase employer liability for unemployment compensation, or which would reduce local discretion to manage this risk.

C. Labor Relations

1. Oppose legislation that would impede local administration of labor relations.
2. Oppose legislation that would require, impose, or expand compulsory binding arbitration for public employees.
3. Oppose legislation that would increase the cost of benefits, the cost of administering benefits, or mandate that a special group health and welfare benefit be provided to all employees.
4. Oppose legislation that reduces local control over public employee disputes and/or imposes regulations from an outside agency.
5. Oppose legislation that makes disciplinary proceedings for public safety employees similar to criminal proceedings, making it virtually impossible for employers to prove an administrative violation.
6. Oppose legislation restricting the availability of evidence in administrative investigations and hearings involving public safety employees.
7. Support legislation that would categorize employers with 50-99 employees as “Large Group Employers,” for purposes of the Affordable Care Act.

D. Pension Reform

1. Support legislation consistent with the League of California Cities’ recommendations for pension reform that provides sustainable pensions for employees.
2. Support legislation that would allow employees to be able to pay for a greater amount of the pension costs.
3. Support pension reform that would control or decrease employer liability or increase transparency in reporting without imposing undue hardships or administrative burdens on local governments.

E. Elections

1. Support legislation that authorizes the City to conduct a special election wholly by mail or via a secure, online voting system.

III. PUBLIC PROTECTION

A. Crimes

1. Support legislation that would protect the public from the dangerous and improper use of weapons and enact necessary regulations to control their use.
2. Pursuant to Resolution 2013-09, support legislation that bans the sale, transfer, manufacturing, and importation of military-style assault weapons and high-capacity ammunition magazines.
3. Oppose legislation that would weaken the authority of local law enforcement to control the issuance of concealed weapon permits.
4. Support legislation that strengthens State graffiti law and provides local government revenue and resources for graffiti abatement.
5. Support legislation that would protect the public from crimes, including identity theft, committed by use of computers, Internet or other electronic means.

B. Drugs

1. Support legislation that strengthens the ability of local government to restrict or regulate the sale, manufacture, and the use of alcohol, electronic smoking devices and flavored tobacco products, and/or other controlled substances.
2. Support legislation that would provide a greater share of seized assets to localities.

C. Fire Protection

1. Support legislation protecting local discretion regarding building and fire code standards.
2. Support legislation that provides funding for local emergency operations including equipment, services, and personnel.
3. Support legislation that provides funding to enhance wildfire mitigation and emergency response efforts.
4. Oppose legislation and administrative action that would change or eliminate inverse condemnation and make utilities not liable for fires caused by their equipment with consideration of the conduct of the utility in the design, operation and maintenance of its assets, and with consideration of factors outside of the control of the utility such as extreme climate.

5. Support legislation and administrative action that requires utilities to work cooperatively with local government to plan for reducing wildfire risks.
6. Support legislation that would sustain or enhance federal homeland security grants.

D. Homeland Security

1. Support legislation that would encourage community safety and provide funding for Homeland Security measures.
2. Support legislation that would require communicating with city officials regarding threats to local safety, as threats occur.

E. Homelessness

1. Support legislation that would provide funding for mental health resources and housing solutions for the homeless and facilitate inter-agency partnerships and shared resources to collaborate on solutions between regional agencies.

F. Aircraft Noise

1. Support legislation and regulations that promotes the reduction of aircraft noise impacting the City.
2. Support legislative and regulatory efforts to monitor, regulate and enforce helicopter noise in residential areas while being respectful of United States Military, law enforcement and emergency first responder operations.

IV. TRANSPORTATION AND PUBLIC WORKS

A. Transportation

1. Support legislation to enable SANDAG and local cities and the county to update the Regional Transportation Plan and take actions to enhance transit options based on clean vehicles and technology over carbon fueled motor vehicles.
2. Support legislation and administrative action that promote alternative clean fuel vehicles and their support facilities.
3. Support legislation and administrative action that facilitates innovation in transportation options including autonomous vehicles.
4. Support legislation and administrative action that promotes options to single occupancy carbon fueled car travel such as rapid bus lanes and service, HOV lanes, rail, shared use vehicles, autonomous, and on demand systems.

5. Support legislation that provides equitable amounts of Federal and State funding for roads, and highways, and transit and facilitates in the timely construction of local transportation projects.
6. Support legislation that reaffirms Federal and State responsibility for transportation including but not limited to highway funding.
7. Support legislation to authorize financial incentives for employees who commute to work in carpools, use public transportation, or utilize clean modes of transportation, such as bicycling and electric vehicles.
8. Support funding for increased bike lanes, and associated infrastructure (e.g., lighting and traffic barriers), to provide safe, accessible, and strategic bike routes for both commuters and recreational users.
9. Support legislation that provides funding from SANDAG, the Federal, and/or the State Government for the planning and construction of the following types of improvements at the Del Mar Fairgrounds: seasonal and permanent rail platform; affordable housing; mobility hubs; fleet mobility services; and micro-mobility solutions.
10. Support legislation and funding to promote and construct safe pedestrian railroad crossings, including at-grade crossings where over/underpass crossings are not feasible.
11. Support funding for studies where at-grade and/or over/underpass pedestrian railroad crossings are feasible.
12. Support legislation and administrative action at the Federal and State level to minimize or eliminate the liability of local governments, including cities and transit districts, for rail accidents involving pedestrians or vehicles. Support railroad safety measures, including dedicated safe crossings, while upholding public stewardship and self-governance to protect precious coastal resources, scenic views, and public access to bluffs, trails, beaches, and the ocean.
13. Support legislation to allow non-ADA compliant over/underpasses to cross rails to access the beach where there is an ADA compliant access point nearby.
14. Support Federal and State legislation and administrative action to further mobility strategies that encourage alternative forms of transportation to reduce reliance on automobiles.
15. Support legislation, funding opportunities, and administrative action to further electric and zero emission vehicles and their needed support services.

16. Support legislation and administrative action to help local governments manage transportation issues to further their adopted Climate Action Plan goals.
17. Support legislation, funding, and administrative action to accelerate relocation of the rail line from the Del Mar bluffs to an appropriate inland location.
18. Support legislation, funding, and administrative action for interim repairs on the Del Mar bluffs to keep the rail line safe until it can be relocated inland, including full mitigation for any impacts of interim repairs.

B. Solid Waste and Recycling

1. Support legislation that would assist local agencies in implementing recycling and diversion programs.
2. Support legislation that encourages the State to provide funding for added costs of implementing mandatory solid waste, household hazardous waste, and recycling programs to local agencies.
3. Support legislation that sets reasonable and flexible recycling standards.
4. Support legislation that would exempt a city from AB 939 penalties due to a State installation's excessive contribution to the city's waste stream.
5. Support legislation encouraging active development of markets for recycled goods.
6. Support legislation requiring local agencies to prepare and implement household hazardous waste collection plans and provide funding therefore.
7. Support legislation that reduces local government's superfund liability for solid waste.
8. Support legislation that promotes or provides funding for zero waste programs, composting programs, and other programs for addressing organic waste.
9. Support legislation that addresses plastics and other difficult to recycle/manage pollutants at the source by shifting from producing and using such materials to alternatives that reduce the need to recycle or landfill waste.
10. Support measures that provide flexibility for local jurisdictions to meet mandated short lived-climate pollutant goals set by the State through SB 1383 and other mandatory organics recycling regulations.
11. Oppose solid waste regulations without coordinated support and funding from the State and waste haulers.

C. Public Works

1. Support legislation that would address poor performance by contractors selected under low bid contract requirements.
1. Support legislation that would allow all cities to use design build or other delivery methods for constructing capital improvement programs.

D. Utilities Undergrounding

1. Support legislation and administrative action that would help facilitate the implementation of the City's Undergrounding Project, including advocating to the California Public Utilities Commission to issue rulemaking that would make undergrounding projects more cost effective.

V. RESOURCES AND ENVIRONMENT

A. California Environmental Quality Act

1. Oppose legislation that would weaken or substitute the CEQA requirements in favor of a lesser process, such as National Environmental Protection Act (NEPA).

B. Offshore Drilling

1. Oppose legislation that includes any San Diego coastal areas in the lease sale program until environmental protection has been assured and the need for this resource has been demonstrated.
2. Support legislation that provides for oil spill prevention and response.
3. Support legislation that creates a Coastal Sanctuary that prohibits a state agency from entering into a new lease for the extraction of oil in state waters.
4. Oppose any legislation that increases gas or oil drilling off the coast of California.

C. Waterfront

1. Support legislation that provides funding for waterfront coastal restoration, protection, and enhancement.
2. Support efforts to protect the San Dieguito Lagoon and the Los Peñasquitos Lagoon.

D. Water

1. Support legislative efforts to improve the potable water quality in San Diego County.
2. Support legislation to provide Southern California with a stable source of water.
3. Support legislation that would provide incentives and funding for alternative water sources and for water conservation measures sponsored by local agencies.
4. Support legislation that would advance the opportunity to secure and utilize reclaimed/recycled water.
5. Support legislation that will require a showing of the availability of potable water in connection with any new development in San Diego County.
6. Support legislation, policies or practices that would decrease pollution to the ocean or waterways.

E. Storm Drain and Sewer

1. Support legislation to provide funding for mitigation measures and projects to reuse, recharge, divert, or treat urban runoff.
2. Oppose legislation that imposes more stringent requirements on storm drain runoff without providing funding and/or consideration of the feasibility of monitoring and mitigation of such requirements.
3. Monitor any new or reviewed requirements by State or Federal agencies for testing water quality and water body closures.
4. Support state and federal legislation and administrative action to encourage reclamation and recycling of wastewater from the Metro Waste Water System for potable and purple pipe reuse.

F. Regional Growth Management

1. Support legislation that would produce additional resources, including adequate funding, to local agencies to address regional growth and transportation issues.
2. Support legislation and administrative action that would encourage managing growth in a manner that is consistent with State and local climate action goals of reducing vehicle miles travelled and greenhouse gas emissions.

G. Air Quality

1. Support legislation to improve the air quality in San Diego County.

2. Support legislation that allocates State and/or Federal funds for compliance with Federal and State air quality standards.
3. Support legislation that would provide funding for zero emission vehicles.

H. Wetlands

1. Oppose legislation that adversely impacts the wetlands.
2. Support legislation that provides funding for the acquisition, enhancement and protection of wetlands and wildlife habitat.
3. Support legislative and administrative actions to allow wetlands to adapt to climate change and rising sea levels without loss of habitat value.

I. Energy

1. Support legislation that effectively stabilizes energy availability and reduces energy costs.
2. Support legislation that would provide funding for alternative energy sources, energy efficiency, and conservation measures.
3. Support legislation that provides for the safe decommissioning/removal of nuclear material at the San Onofre Nuclear Generating Station (SONGS).
4. Support legislation at the federal and state levels to allow for removal of nuclear waste from SONGS to a safe inland temporary storage location pending federal identification of a permanent storage option. Oppose efforts to store this waste on the beach at SONGS.
5. Support Community Choice Aggregation (CCA) [also known as Community Choice Energy (CCE)] to allow residents and businesses the option to purchase clean energy from renewable sources and oppose any efforts to impede CCA's/CCE's, including but not limited to, increased departure charges.
6. Support CCA programs that pursue distributed energy and micro grid projects.

J. Land Use

1. Oppose legislation that takes a punitive approach to City General Plan Housing Element and the imposition of any extraordinary powers in State agencies with regard to City Housing Elements.
2. Support legislation to allow local governments flexibility in how they meet their state mandated housing goals.

3. Oppose legislation, or other agency actions, that would usurp local control of land use decision-making.
4. Oppose legislation that would impose State-mandated development standards or procedures that are contrary to the Del Mar Community Plan or local land use policy.
5. Oppose legislation that is inflexible and cannot be modified through local review.
6. Monitor proposals that would alter air traffic systems that would impact Del Mar.
7. Support legislation to reaffirm that regulation of short-term rentals is a local matter.
8. Oppose legislation to reduce the autonomy of Charter Cities as to home rule powers, including as to land use, housing, and zoning.

K. Sea-Level Rise and Climate Change

1. Support legislation that continues to monitor sea-level rise and climate change and the effect on local jurisdictions.
2. Support legislation that would provide local jurisdictions funding for resilience and response to sea-level rise and climate change.
3. Support legislation that allows local governments flexibility in how they implement sea level rise and climate change adaptation goals and meet federal and state flood management standards.
4. Support legislation and administrative action at the federal and state level to provide funding and assistance to coastal cities addressing adaptation to sea level rise and increased flooding risks.
5. Support legislation and administrative action at the federal and state level to increase funding for local governments implementing sand replenishment and other adopted strategies for addressing sea level rise.
6. Support legislation, funding, and administrative action to remove sediment accumulation in the regions coastal lagoons and upstream behind dams and use it for beach sand replenishment.

VI. RECREATION

A. Funding

1. Support legislation that would provide funds for local and regional recreation areas, facilities, and services including visitor parking facilities.

VII. CITY – 22ND DAA RELATIONS

A. Jurisdiction and Land Use

1. Support legislation and Commission findings that reaffirm the limits of the sovereign powers of the 22nd DAA to its governmental mandate to promote California Agriculture, business, and products.
2. Support legislation that subjects all activities conducted on the Fairgrounds to local health, safety, and noise ordinances.
3. Support legislation to allow the City of Del Mar to obtain credit for affordable housing programs on 22nd DAA property within or contiguous to the city.
4. Support legislation to allow the 22nd DAA to engage in all types of transactions with the city to further affordable housing programs, including leases, sales, joint ventures partnerships, Joint Powers Agreements, and the like.

B. Housing

1. Support legislation that facilitates the 22nd DAA to provide on-site affordable housing to help the City meet its assigned Regional Housing Requirement for affordable housing requirements attributable to the number of employees who work at the Fairgrounds.
2. Support legislation to allow local implementation of creative solutions to local housing needs while gaining RHNA credit, such as: student housing programs implemented in conjunction with local universities and community colleges and temporary housing on the Del Mar Fairgrounds.

C. Financial Relationship

1. Take the steps necessary to cause the 22nd DAA to pay for its fair share of municipal services and road and bridge maintenance and repairs.
2. Negotiate with the State Department of General Services for a reduction in rent of the Del Mar Fire Station.
3. Support legislation that would give Del Mar a revenue share for sports gaming, concerts, and other revenue activities on 22nd DAA property within the city limits.

D. Events

1. Oppose legislation or administrative action that would overturn AB 893, which prohibits the sale of firearms and ammunition at the Del Mar Fairground on and after January 1, 2021.
2. Support legislation or requirements that prohibit on-site smoking, on-site consumption, or on-site sale of cannabis products at state fairgrounds where the local city prohibits such use.