

## *Traffic Safety and Mobility Commission Memorandum*

March 4, 2024

**To:** Honorable Chair Coelho and Members of the Traffic Safety & Mobility Commission  
**From:** Paz Gomez, Deputy City Manager Public Works  
**Via:** Nathan Schmidt, Transportation Planning and Mobility Manager  
**Re:** **Additional Materials Related to Staff Report Item No. 2 City Council Legislative Update**

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This memorandum provides additional information related to the request for additional information that were communicated during the briefings with Chair Coelho for the March 4, 2024, Traffic Safety and Mobility Commission meeting.

1. Attachment A provides a full summary of the city's Legislative Platform and Intergovernmental affairs program. This document provides the basis for prioritizing and acting upon, a broad range of intergovernmental and legislative matters that may impact the city's ability to operate effectively. Section 8 of this document includes the policies related specifically to Transportation, Communication, and Public Works.
2. Attachment B includes the guidelines of the city's intergovernmental affairs program as established by City Council Policy Statement No. 39.

Attachment: A. City of Carlsbad 2024 Legislative Platform  
B. City Council Policy Statement No. 39: Intergovernmental Affairs Program

cc: Scott Chadwick, City Manager  
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Jason Haber, Intergovernmental Affairs Director  
Tom Frank, Transportation Director, City Engineer  
John Kim, City Traffic Engineer

## CITY OF CARLSBAD 2024 LEGISLATIVE PLATFORM

The Legislative Platform provides a foundation for the City of Carlsbad's Intergovernmental Affairs Program and enables the city to efficiently and effectively address intergovernmental and legislative matters affecting the city and its communities. The purpose of this Legislative Platform is to clearly express the city's position on, and provide a basis for prioritizing and acting upon, a broad range of intergovernmental and legislative matters that may impact the city's ability to operate effectively.

The City Council has identified the Guiding Principles, Legislative Priorities and Position Statements comprising this Legislative Platform to guide the city's advocacy efforts. The city's legislative positions are organized under a framework modeled after the League of California Cities' Summary of Existing Policy and Guiding Principles. The Legislative Platform will be reviewed annually by the City Council Legislative Subcommittee and amended as needed by the City Council.

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## **Guiding Principles**

**I. Preserve Local Control** - The city supports the broadest authority for our citizens and the City Council to make decisions and provide public services locally. As cities are voluntarily created by the residents of a community to provide local self-government and to make decisions at the local level to best meet the diverse needs of the community, the city opposes preemption of local control.

**II. Maintain Fiscal Responsibility** — The city supports legislative and budget measures that protect and enhance its existing funding sources, revenue base and control over local government budgeting. The city opposes efforts to shift local funds to the county, state or federal governments, diminish its revenue base or impose new mandates that are unfunded or inadequately funded.

**III. Protect Quality of Life** — The city supports state legislation and funding that preserve the safety, security, cultural resources and well-being of our residents, workers, businesses and visitors. The city opposes efforts that would negatively impact the infrastructure, public health and safety, community development, equitable community services, cultural integrity and environmental programs and other city efforts to maintain and enhance the quality of life in Carlsbad.

## **2024 Legislative Priorities**

The city's advocacy efforts will focus primarily on advancing the strategic goals adopted by the City Council, including:

1. Community Character
2. Quality of Life & Safety
3. Sustainability & the Natural Environment
4. Economic Vitality
5. Organizational Excellence & Fiscal Health

## **2024 Legislative Platform: Position Statements**

### **1. Community Services**

#### **Arts, Cultural Resources, Historic Preservation and Education**

- (a) Support funding and legislation that support local arts and culture, acknowledges the community's history and current conditions and recognizes the need for preservation and education.

#### **Child Care**

- (a) Support measures that reduce regulatory complexities and the burden of insurance costs for child care providers.

- (b) Support funding for the construction, renovation and maintenance of child care facilities.
- (c) Support the provision of reasonable tax incentives for employers who offer child care services.
- (d) Support legislation that restores local control over child care services in areas such as licensure, staffing, education and training.

#### Park Bond Funds

- (a) Support statewide park bond measures that include a component that provides per capita grants to cities and counties.
- (b) Oppose statewide park bond measures that tie local eligibility for grant funds to non-park related issues, such as rent control or housing element status.

#### Public Parks/Recreational Facilities

- (a) Support increased and sustainable funding for community park facilities, open space, and recreation programs.
- (b) Support legislation that preserves the ability to implement integrated pest management practices, a science-based, decision-making process that combines biological, physical and chemical tools in a way that achieves pest control objectives while minimizing economic, health, and environmental risk.

#### Public Libraries

- (a) Support increased and sustainable funding for local public libraries and the State Library.
- (b) Oppose Internet filtering laws that apply to publicly funded libraries.
- (c) Support legislation that preserves library patron privacy.
- (d) Support legislation that preserves net neutrality.

#### Seniors

- (a) Support legislation that fosters independence of older Californians.
- (b) Support legislation that advances the objectives of the Age Friendly Carlsbad Action Plan, including increased and sustainable funding for senior transportation services, social and civic engagement programs and senior housing.

## Healthy Cities

- (a) Support legislation that recognizes and prevents adverse impacts affecting public health and the welfare of all residents, visitors and workers, and especially the young.
- (b) Support initiatives that encourage cities to help parents make healthy family choices; create healthy schools; provide access to healthy and affordable foods; and adopt city design and planning principles that promote physical activity.
- (c) Support initiatives that encourage cities to involve youth, especially middle and high school students, with city health-related programs, including those promoting mental and psychological well-being.
- (d) Support initiatives that encourage cities to address the needs of an aging population through local and statewide planning, education and programming.
- (e) Support legislation that preserves the authority of local agencies to establish their own rules and regulations pertaining to community recreational activities.
- (f) Support funding for local communities attempting to address the needs of migrant workers.

## **2. Environmental Quality**

- (a) Support legislation that complements the city's Environmental and Sustainability Guiding Principles.
- (b) Support funding and legislation to improve and protect recreational water quality from contamination, support effective habitat management practices, and create and maintain public open space.
- (c) Support funding and legislation that facilitates and protects local control of habitat management planning, maintenance and administration.
- (d) Support legislation that identifies the use of restrictive covenants as an acceptable instrument for documenting open space dedications, including for mitigation purposes.
- (e) Support funding and legislation that supports climate change adaptation efforts.

### Climate Change

- (a) Support funding and legislation that promotes market penetration and infrastructure expansion for zero emission electric and alternative fuel vehicles and small off-road engines, such as those found in landscaping equipment and generators.
- (b) Support funding and legislation that facilitates energy efficiency and decarbonization practices and actions to mitigate the sources of greenhouse gas emissions in buildings.
- (c) Support funding and legislation that promotes greenhouse gas emissions reductions and/or the capture, removal, and secure storage of carbon dioxide from the atmosphere.
- (d) Support legislation that reduces the amount of ozone depleting compounds discharged into the atmosphere.
- (e) Support funding and legislation that promotes the use and purchase of clean alternative energy through the development of renewable energy resources and waste-to-energy technologies.

### California Environmental Quality Act (CEQA)

- (a) Support legislation that either requires citizen initiatives to comply with CEQA before being placed on the ballot or exempting from this requirement a City Council initiated ballot measure dealing with the same subject matter on the same ballot.
- (b) Support legislation that streamlines federal and state environmental review, eliminates procedural redundancies, and limits court reviews of environmental documentation.

### Hazardous Materials

- (a) Support efforts for the proper and cost-effective disposal of solid, hazardous and medical waste.
- (b) Oppose legislation that makes local municipalities financially responsible for the removal, abatement or mitigation of hazardous materials.
- (c) Support funding and legislation that addresses concerns regarding the safe handling and storage of nuclear waste generated at the decommissioned San Onofre Nuclear Generating Station, particularly as it relates to the vulnerability to damage from seismic activity, landslides, tsunamis and sea level rise.

### Solid Waste, Recycling and Diversion

- (a) Support legislation that preserves the ability of local governments to regulate solid waste and recyclable materials.
- (b) Support measures that promote procurement and market development of recyclable and recycled materials.
- (c) Support legislation that promotes source reduction, sustainability and re-use measures.
- (d) Oppose legislation regulating "flow control" of solid waste materials.
- (e) Support measures that promote the recycling and reclaiming of natural resources, including water, timber, oil, gas minerals and earth metals.
- (f) Support measures that would make low-interest loans and grants available to local agencies for programs that encourage the recycling and reclaiming of resources.
- (g) Support measures that would reduce the use of single-use plastics and Styrofoam packaging and prevent these materials from entering the waste stream, including public education and community partnership initiatives.
- (h) Support legislation that facilitates development of local and regional recycling and composting facilities.

### Utilities

- (a) Support legislation that establishes regulatory and market mechanisms to maximize the state's energy self-sufficiency and security.
- (b) Support legislation that establishes regulatory and market mechanisms that promote competition and reasonable, justifiable energy prices with programs to support low-income groups.
- (c) Support legislation that aggressively pursues refunds to consumers for rates that have been determined to be unjust or unreasonable.
- (d) Support legislation that expedites the development of needed infrastructure (e.g., generation, transmission, and distribution) to create robust and functional markets.
- (e) Support legislation that increases the diversity of the state's and region's energy resources, particularly increasing the use of higher-efficiency,

clean distributed generation (e.g., combined heat and power) and renewable resources.

- (f) Support legislation that encourages and incentivizes the adoption of new and emerging technologies that provide real-time pricing to promote better price response by consumers.
- (g) Support legislation that promotes municipal renewable energy development.
- (h) Support legislation that preserves and protects net energy metering to continue incentivizing investments in rooftop solar energy systems.
- (i) Support legislation that provides funding to increase energy efficiency, improve reliability and reduce peak demand, including for demand-side management programs.
- (j) Support legislation that provides funding for renewable energy generation and energy storage projects.
- (k) Support legislation that minimizes adverse environmental impacts of the state's and the region's energy use.
- (l) Support funding and legislation that promotes the development of alternative energy sources.
- (m) Support legislation that prohibits the California Energy Commission from issuing any license to operate a power plant unless and until it has received the report required by the California Coastal Commission under the Warren-Alquist Act.
- (n) Support legislation that protects competitive neutrality, procurement autonomy, ratepayer affordability, reliability, decarbonization and social equity initiatives of community choice aggregation.
- (o) Support legislation that establishes rules under which Public Safety Power Shutoff events can be undertaken.

#### Coastal Issues

- (a) Support measures that provide funding for urban waterfront restoration and enhancement.
- (b) Support legislation that would promote and provide funding for the restoration, preservation and enhancement of beaches, beachfront property and bluffs, including climate change adaptation efforts, local



and regional sand replenishment efforts, as well as coastal access, public infrastructure and parking.

- (c) Support measures that would preserve and extend the authority of cities over land use regulations concerning the placement of onshore facilities which service offshore oil drilling.
- (d) Support legislation that requires the double hulling of oil tankers.
- (e) Support legislation that promotes aquatic research, education and aquaculture.
- (f) Oppose any new offshore oil and gas leasing, drilling and exploration in all State of California and U.S. waters in the Pacific Ocean.
- (g) Support decommissioning of existing offshore oil drilling and pipeline infrastructure in all State of California and U.S. waters off the California coast.
- (h) Support legislation providing that if Coastal Commission staff has an opportunity to participate in local and or regional habitat management plans, there is a presumption of consistency with the Federal Coastal Management Act.
- (i) Support legislation to allow cities to issue all coastal development permits within their jurisdiction consistent with a previously certified coastal plan.
- (j) Support legislation that allocates state and federal funds for the construction of facilities to capture and treat the flow of raw sewage entering San Diego from Tijuana.
- (k) Support legislation that provides direction to the California Coastal Commission through changes to the Coastal Act that would allow for construction of seawalls or other shoreline protection devices for existing structures, as defined by a local jurisdiction's Local Coastal Program and up to the date of adoption of amendments to the Local Coastal Program.
- (l) Oppose legislation that would backdate the consideration date of existing structures to only those that existed prior to establishment of the Coastal Act (January 1, 1977).

### 3. Water

#### General Principles

- (a) Support measures that provide for the equitable allotment and distribution of preferential water rights.
- (b) Support legislation that protects and improves the reliability, affordability, self-sufficiency, quality and security of local and imported water supplies.
- (c) Support legislation that ensures the San Diego County Water Authority and its member agencies receive the water supply benefits of their investment in local water supply sources.
- (d) Support legislation that provides for the development of a comprehensive state water plan that balances California's water needs and results in a reliable and affordable supply of high-quality water for the San Diego Region.
- (e) Support legislation that supports regional projects through Integrated Regional Water Management Planning.
- (f) Support legislation that streamlines environmental review processes for water and wastewater infrastructure projects and provides exemptions for emergency activities when the continued delivery of safe and clean water is threatened.
- (g) Support legislation that establishes a more equitable voting structure at the San Diego County Water Authority, such as by providing that Board decisions be approved by both a tally vote majority and a weighted vote majority of the member agencies.

#### Water Conservation

- (a) Support measures that will encourage water conservation practices by all water consumers.
- (b) Support measures that ensure conservation credit for municipal investments in water recycling systems and development of alternative sources.
- (c) Support legislation that promotes water conservation and water use efficiency while preserving district and public water rights and the authority of local agencies.

- (d) Support legislation that provides incentives, funding and other assistance to water agencies so that they can meet state water demand requirements.
- (e) Oppose legislation that imposes water use efficiency criteria for conservation-based water rates, standards, budget allocations, and programs that do not recognize local differences, quality impacts, and existing programs, or that override the authority of local agencies to adopt management practices that are appropriate for the needs of their agency.
- (f) Support legislation that provides flexibility in complying with drought regulations and recognizes variations among communities with respect to their ability to withstand the impacts of drought.

#### Water Recycling

- (a) Support measures that promote the production and distribution of reclaimed water.

#### Water Quality

- (a) Support legislation that protects the quality of drinking water and supports local agency efforts to meet state and federal water quality standards based upon sound scientific principles.
- (b) Support legislation that incorporates sound scientific based water quality requirements for wastewater discharge into surface water and groundwater to safeguard public health and protect beneficial uses.
- (c) Support legislation that implements source control and protects reservoirs, lakes, and coastal waters.
- (d) Support legislation that enables local agencies to regulate the discharge of contaminants into the sewer collection system based on discharge permit requirements, detrimental effects on infrastructure, and adverse effects on recycling and reuse.
- (e) Support legislation that provides state and federal funds for monitoring, research, treatment, and infrastructure investments needed to address new and emerging and other regulated contaminants.

#### Water Storage and Conveyance Systems

- (a) Support a balanced water transportation and regional storage system that provides for the needs of San Diego County, while protecting the Delta and Central Valley regions with minimal impact on agriculture and the environment.

- (b) Support measures that increase water supply and storage facilities within the region and allow for economically feasible water transfers within the system.

#### New Technology

- (a) Support legislation and regulations that encourage the use and development of alternative water sources.
- (b) Support funding and legislation that promotes the development of engineering solutions and alternative uses to eliminate wastewater treatment ocean discharges.
- (c) Support legislation that encourages and provides state and federal funding for the development of new technology in water use, reuse, quality monitoring, and treatment.

#### Financial Considerations

- (a) Support legislation to develop an ongoing funding source to implement the federally mandated Clean Water Act of 1987 and to ensure protection of local resources.
- (b) Support legislation that would exempt stormwater and urban runoff management programs from Proposition 218 requirements.
- (c) Support legislation that allows Water Districts to award contracts in conformity with the provisions of the local City Charter.
- (d) Support legislation that provides state and federal funds to local agencies for programs and projects that provide for the supply, storage, recycling, reclaiming, reuse and quality improvement of water resources.
- (e) Oppose any new tax or fee on water that does not benefit ratepayers.

### **4. Governance, Transparency, and Labor Relations**

#### Labor Relations

- (a) Support legislation that allows cities with civil service/personnel systems to contract out services to the private sector to save taxpayer dollars.
- (b) Support legislation that limits the ability of employees to receive workers' compensation benefits for occupational injuries/illnesses that result from stress, disciplinary action, or performance evaluations or consultations.

- (c) Support any measure that would reverse the imposition of compulsory and binding arbitration with respect to public employees.
- (d) Oppose any measure that would grant employee benefits that should be decided at the local bargaining table.
- (e) Oppose any legislation that would reduce local authority to resolve public employee disputes, and support legislation that would preserve court jurisdiction, and/or impose regulations of an outside agency (such as PERB).
- (f) Oppose measures that propose a standard higher than the normal civil standards in disciplinary proceedings for peace officers.
- (g) Support legislation that clarifies existing labor laws concerning whether an individual is considered an employee rather than an independent contractor.
- (h) Support measures that promote recruitment efforts and educational practices to advance and retain workplace diversity, equity and inclusion.
- (i) Oppose measures that would expand release time for union business.
- (j) Oppose measures that would establish confidentiality privileges for union representatives.
- (k) Oppose measures that would require municipalities to pay erroneous retirement benefits.
- (l) Support funding and legislation that helps cities provide employee support programs, increased personal protective equipment (PPE) and other programs that promote employee overall wellness—particularly for underrepresented and frontline essential workers.
- (m) Support funding and legislation that would enhance efforts to prevent third-party harassment and workplace violence.

#### Workers' Compensation

- (a) Oppose legislation that expands or extends any presumptions of occupational injury or illness and support legislation that repeals the presumption that the findings of a treating physician are correct.
- (b) Oppose legislation that increases workers' compensation benefits without providing for concurrent cost controls.

## Governance and Ethics

- (a) Oppose legislation or constitutional amendments that weaken or interfere with the powers of charter cities and diminish local autonomy or home rule authority.
- (b) Support legislation that reduces and provides for recovery of costs, maintains privacy and eliminates attorney's fees for administering public records laws.
- (c) Oppose legislation that broadens the scope of the Public Records Act without providing adequate funding for compliance.
- (d) Support legislation that improves access to, and reduces the cost of, healthcare for public employees, including part-time and seasonal workers.
- (e) Support measures that reform California's tort system to reduce and limit liability exposure for public agencies and restore the ability of public agencies to obtain affordable insurance.
- (f) Support legislation that recognizes or broadens immunities for public agencies and oppose legislation that attempts to limit or restrict existing immunities.
- (g) Support legislation that requires plaintiffs to make a good faith showing of liability prior to filing a lawsuit against a public entity.
- (h) Support legislation that would increase civic participation and engagement, including the continued allowance of subcommittees, advisory committees, and boards and commissions, local and regional, to participate virtually without physical location posting requirements under the Ralph M. Brown Act.
- (i) Support amendments to the Ralph M. Brown Act that allow for the use of alternative and cost-effective methods of meeting posting requirements, including the use of electronic and digital media.
- (j) Support legislation that would permit a minority number of council members to virtually participate in meetings without having physical location posting requirements, so long as a physical in-person meeting quorum is present.
- (k) Support state funding efforts to assist with enhanced public access for members of the community.

- (l) Oppose legislation that increases the cost of municipal meetings and hearings through unnecessary new requirements.
- (m) Support legislation that would allow cities to conduct closed sessions on matters posing a threat to cybersecurity.
- (n) Support funding and legislation to assist local agency cybersecurity enhancement efforts.
- (o) Support legislation that strengthens cities' ability to foster civil and respectful participation in public meetings and provides tools to help legislative bodies address disruptive behavior, including hate speech, while ensuring the public's First Amendment rights are protected.

#### Elected Officials

- (a) Support legislation that prevents threats to the security of public officials in their homes by extending or providing protection to elected and appointed officials from the unauthorized publication of their home addresses or telephone numbers in newspapers or similar periodicals.
- (b) Support legislation requiring both elected local and state officials to maintain their place of residence in the jurisdiction they were elected to represent.

## **5. Housing, Community and Economic Development**

#### Planning and Zoning

- (a) Support legislation to strengthen the legal and fiscal capability of local agencies to prepare, adopt and implement fiscal plans for orderly growth, development, beautification and conservation of local planning areas, including, but not limited to, regulatory authority over zoning, subdivisions, annexations, and tax increment financing areas.
- (b) Support measures in local land use that are consistent with the doctrine of "home rule" and the local exercise of police powers in planning and zoning processes.
- (c) Support measures that authorize local land use planning and zoning law to override conflicting state law.
- (d) Support measures that ensure local land use planning or zoning initiatives approved by voters shall not be nullified or superseded by the actions of any local or state legislative body.

- (e) Support legislation requiring environmental review of initiatives to amend a general plan or zoning ordinance before the initiative is placed on the ballot or enacted.
- (f) Oppose legislation or constitutional amendments that would restrict the power of California cities to use eminent domain for public purpose projects.
- (g) Support measures that allow local agencies to condition mobile home park conversions from rental to resident ownership pursuant to local land use regulations including a requirement to provide public improvements and infrastructure where necessary to promote the health, safety, and welfare of park residents.
- (h) Support legislation that preserves the authority of local agencies to regulate short-term vacation rentals.
- (i) Support legislation that enables local agencies to effectively address issues concerning public safety and proper management of group homes, including proposals to require the presence of on-site managers and/or security personnel at all times, while being mindful of group home residents' potential vulnerabilities.
- (j) Oppose legislation that would diminish local control to set and assess development review and building inspection fees.

#### Housing

- (a) Support efforts to develop federal and state participation, financial support and incentives (tax benefits, grants, loans) for programs which provide adequate, affordable housing (home ownership and/or rental opportunities) for all economic segments of the community including the elderly, persons with disabilities, and low-income persons.
- (b) Support expansion of tax credit and bond opportunities for affordable housing.
- (c) Support legislation that provides incentives (tax benefits, grants, loans, credits for affordable units) to local agencies, private developers and non-profit groups in order to rehabilitate residential units and commercial properties.
- (d) Support legislation that would provide additional funding for rental subsidy assistance programs (such as the Housing Choice Voucher Program, the federally funded rental subsidy program for low-income households) via more sustainable vouchers or certificates.



- (e) Support repeal of Article 34 (Public Housing Project Law) of the California Constitution, which requires local voter approval of housing projects that are intended for low-income people and that receive funding or assistance from the federal and/or state government.
- (f) Support legislation that allows entitlement cities to use Community Development Block Grant (CDBG) funds for new construction of housing units.
- (g) Support state legislation that strengthens local inclusionary housing programs for lower-income residents.
- (h) Support the repeal or modification of the Davis-Bacon Wage Act, as it relates to charter cities, that set a prevailing wage scale for public projects, substantially increasing the cost of publicly assisted housing developments.
- (i) Support legislation that will consolidate and streamline the administration and reporting requirements for the CDBG program.
- (j) Oppose legislation that would give the State financial administrative responsibilities for the CDBG program.
- (k) Support legislation that recognizes the impediments to infill housing development due to inadequate and/or deteriorated infrastructure, and provides funding and/or cost recovery mechanisms for local agencies to complete the necessary upgrades.
- (l) Support measures that would establish a formula-based Regional Housing Needs Assessment allocation methodology that reflects the unique needs and practical capacity of local communities.
- (m) Oppose measures that diminish local authority to implement growth management initiatives that ensure communities do not exceed carrying capacities and the provision of adequate public facilities.
- (n) Support measures that would exempt affordable housing projects from complying with the California Environmental Quality Act while continuing to mitigate residents' potential exposure to health and safety hazards.
- (o) Oppose legislation that would expand the Coastal Commission's authority over state and local housing policy, which would result in administrative inefficiencies and policy conflicts.

- (p) Support legislation that modifies existing housing laws to remove inconsistencies, clarify the decision-making authorities granted to various state agencies (i.e., California Coastal Commission and California Department of Housing and Community Development), and improve clarity in application.
- (q) Support housing legislation that would allow density increases to satisfy the state's "no net loss" requirements, when the increases occur concurrent with or prior to a density reduction.
- (r) Support legislation that more equitably applies rent control laws to various types of rental housing, such as condominiums.
- (s) Support legislation that prohibits property owners who are awarded tax credit financed projects from charging Section 8 Housing Choice Voucher clients a higher rent than the rent charged to non-Section 8 Housing Choice Voucher clients.
- (t) Support legislation clarifying that replacement housing required of a density bonus project that demolishes existing low or moderate units on the parcel is in addition to the affordable units required under density bonus law.
- (u) Support legislation that ensures that units created under density bonus law are not used for vacation rentals.
- (v) Support legislation clarifying a city's ability to enforce a local inclusionary ordinance on the total units, inclusive of units obtained through a density bonus.
- (w) Support legislation that maintains local decision-making regarding the development of Accessory Dwelling Units.
- (x) Support legislation that allows for local decision-making regarding parking requirements.

#### Subdivision Map Act

- (a) Support legislation that would automatically extend approved or conditionally approved tentative, final and parcel maps under the Subdivision Map Act during and for a limited time period after a statewide financial or public health crisis, or other declared State of Emergency.

### Economic Development

- (a) Support legislation that facilitates economic development efforts and encourages local business investments, job creation and retention.
- (b) Support legislation that would establish new tax increment financing tools.
- (c) Support legislation that helps businesses who have had business interruption insurance claims denied, or otherwise incur unrecoverable revenue losses resulting from a financial or public health crisis, or other declared State of Emergency.
- (d) Support legislation that protects small businesses from extraordinary health insurance premium increases being applied during and for a limited time period after a financial or public health crisis, or other declared State of Emergency.
- (e) Support legislation that would remove impediments to the automatic extension of local permits during and for a limited time period after a financial or public health crisis, or other declared State of Emergency.
- (f) Support legislation that provides eviction protections and funding for rental assistance programs for residential and commercial tenants and property owners impacted by a financial or public health crisis, or other declared State of Emergency.

## 6. **Public Safety**

### Fire Services

- (a) Oppose legislation that would restrict or reduce the ability of local government to determine the extent or method of fire hazard mitigation necessary in or around wildland areas.
- (b) Oppose legislation that would diminish local control to set and assess fire inspection fees.
- (c) Oppose legislation that circumvents building or fire code requirements by statute, including through the provision of a “deemed complete” or “deemed approved” status when local agencies exceed maximum application review timelines.
- (d) Support legislation that would enhance statewide wildland fire safety infrastructure.

- (e) Support legislation and funding for firefighter wellness programs.

#### Emergency Services and Preparedness

- (a) Support legislation granting immunity to or limiting liability of governmental entities and their employees who provide emergency medical instructions and/or treatment as a part of their public safety dispatch system.
- (b) Oppose legislation that would restrict a local government from revising the delivery of emergency medical service to its citizens and support measures that broaden these powers.
- (c) Support legislation that would enhance cost recovery or provide funding for emergency medical services and pre-hospital care.
- (d) Support legislation that would strengthen awareness of and access to resources concerning community and disaster preparedness, public health, safety, and resiliency.
- (e) Support legislation that provides state and federal emergency funding and regulatory relief that allows cities to devote the necessary resources and meet the operational challenges of protecting the public health, safety and welfare in response to a declared State of Emergency.
- (f) Support legislation that clarifies the requirements for operating city-owned ocean rescue watercraft.

#### Law Enforcement

- (a) Support legislation that strengthens a diverse local law enforcement.
- (b) Support measures that would provide a greater share of seized assets to localities and increased discretion for local spending.
- (c) Support legislation that would allow for the destruction, confiscation, or extended safekeeping of firearms or other deadly weapons involved in domestic violence incidents.
- (d) Support legislation that strengthens penalties for violent offenders, including sentencing enhancements for violently resisting or brandishing a weapon during the commission of a property-related crime.
- (e) Support legislation that strengthens penalties for violent crimes committed by juveniles.

- (f) Support legislation that would increase accountability and transparency among law enforcement agencies and personnel.
- (g) Support legislation that encourages or mandates police training to include mental health awareness, implicit and explicit bias and de-escalation techniques.
- (h) Support legislation and funding to continue the state Citizens' Option for Public Safety (COPS) Program and federal Community Oriented Police Services (COPS), and to provide funding for local agencies to recoup the costs of crime and increase community safety.
- (i) Support legislation that strengthens penalties for participating in any coordinated effort to disrupt the use of public roads and publicly accessible parking lots (e.g. as part of a street takeover, sideshow, or racing exhibition).
- (j) Support legislation and funding for police officer wellness programs.
- (k) Support legislation that provides for the proper and timely intake, without unnecessary delay, of arrestees.

#### Drugs and Alcohol

- (a) Support measures which strengthen present state or federal laws to increase penalties and give local governments the power to restrict or regulate the sale, manufacture, or use of dangerous drugs.
- (b) Support legislation that discourages, prevents, and penalizes driving under the influence of drugs or alcohol.
- (c) Support legislation that enhanced local agencies ability to recover costs from guilty parties for damage to public property and services in accidents involving driving under the influence of drugs and/or alcohol.
- (d) Support legislation that would provide funding for addiction rehabilitation treatment.
- (e) Support any measure that protects children and youth from exposure to tobacco, secondhand smoke and tobacco- and nicotine-related products.
- (f) Support legislation that preserves local control over medical and adult-use cannabis businesses, and enhances and protects maximum local regulatory, land use, and enforcement authority in relation to such businesses.

- (g) Support legislation that prevents or reduces the adverse effects of drug addiction.

### Homelessness

- (a) Support funding and legislation that provides resources, including enriched referral services, and outreach and case managers to help ensure local governments have the capacity to address the needs of persons experiencing homelessness in their communities, including resources for regional collaborations.
- (b) Support measures that provide resources to address the mental health needs of persons experiencing homelessness.
- (c) Preserve local control by increasing funding opportunities for housing programs/projects that suggest, rather than require, compliance with the Housing First model.
- (d) Support legislation that creates streamlined protocols and metrics to be used by homeless service providers and local agencies, providing more accurate statistics of individuals experiencing homelessness, including in-flow and out-flow information, cost-reporting of services rendered, and individuals successfully housed.
- (e) Support measures that facilitate regional and city-driven solutions to address homelessness through crisis response, mental evaluation, and homeless outreach teams.
- (f) Support the expansion of conservatorship laws allowing for increased guardianship control and health supervision of those suffering from mental illness and recognizing mental illness and addiction as contributors to chronic homelessness.
- (g) Support continued funding for housing, outpatient beds and treatment to further behavioral and mental health services programs, including Community Assistance, Recovery and Empowerment (CARE) Court.

### Miscellaneous

- (a) Support legislation that would assist local safety agencies in regionalization of activities such as training, crime labs, specialty responses such as hazardous materials and technical rescue, and other appropriate functions.
- (b) Support legislation that provides financial assistance to local agencies for Homeland Security.

- (c) Support the enactment of legislation to prevent gun violence.
- (d) Support measures to expand and fund mental health and social-emotional health services, including the provision of such services and safety education in schools.
- (e) Support measures to provide resources to develop school safety guidelines, conduct comprehensive school safety audits and maintain continued vigilance and monitoring of safety matters in schools.
- (f) Support legislation to eliminate restrictions on the collection and compiling of data related to violence perpetrated with firearms, including research into the causes and consequences of gun violence.
- (g) Support measures to provide funding to support 911 communication centers.
- (h) Support measures to provide funding to support the San Diego Law Enforcement Coordination Center, a collaborative partnership among federal, state and local law enforcement/public safety agencies focused on enhancing coordination, information sharing, regional preparedness, training and investigative support/analysis for first responders and other public and private partners in the region.
- (i) Support legislation that provides financial assistance to local law enforcement agencies for staff assigned to a regional task force.

## **7. Revenue and Taxation**

- (a) Support legislation that assists cities to enforce and collect local taxes.
- (b) Support measures that protect the fiscal independence of cities and safeguard existing revenue sources from preemption by any other public agency
- (c) Oppose any change in revenue allocations which would negatively (current or future) affect local government, including the redistribution of sales tax, property tax, transient occupancy tax and other taxes and fees.
- (d) Support legislation that makes funds to support public facilities (i.e., buildings, roads, utilities, open space) more available to local municipalities.

- (e) Oppose legislation that attempts to eliminate the “pay first and litigate later” provisions of law and oppose any bill that proposes to reduce or eliminate the obligation of any online travel agency to pay transient occupancy taxes under state or local law.
- (f) Support measures which would strengthen cities' ability to reorganize and consolidate water districts, sewer districts, school districts, and other special districts that operate within or provide service to a city.
- (g) Oppose federal measures which remove the deduction of all state and local taxes for federal income tax purposes.
- (h) Support measures that implement basic structural changes in state government that result in state budget expenditures being brought into balance with state revenues.
- (i) Support measures which relieve taxpayers of the burden of paying for services which could be charged directly to the service user, and which simplify the process of establishing such fees.
- (j) Support legislation that would provide greater accountability on the part of counties for the distribution of funds back to municipalities, including, but not limited to, fines and forfeitures.
- (k) Support measures to reinstate flexibility in the administration of Article XIII-B (The Gann Initiative), which establishes an annual appropriations limit on the state and most local governments.
- (l) Oppose any measure that restricts or limits a public entity’s ability to use tax exempt debt for the purchase or construction of public purpose improvements.
- (m) Oppose legislation that shifts state and county criminal justice costs to cities.
- (n) Oppose the use of the federal gas tax for federal debt reduction.
- (o) Support legislation that streamlines permitting processes without undermining the ability of local government to apply and be compensated for the enforcement of reasonable building, planning and fire protection standards.
- (p) Oppose measures that propose significant economic changes without the completion of a balanced, comprehensive economic analysis.



- (q) Support funding and legislation that provides direct financial support to cities to offset cost increases and lost revenues resulting from a financial or public health crisis, or other declared State of Emergency.
- (r) Support legislation that promotes regional collaboration on response efforts addressing the impacts of a financial or public health crisis, or other declared State of Emergency, including funding to support local businesses.
- (s) Support legislation that provides flexibility concerning the disposition of municipally owned real estate assets to promote economic development and other public purposes.

#### State Mandates

- (a) Support legislation that would eliminate unfunded state and federal mandates or would require timely reimbursement to cities.
- (b) Oppose measures that would impose mandates for which there is no guarantee of local reimbursement or offsetting benefits, or would shift the cost of government services to cities.
- (c) Oppose legislation that creates surcharges for state oversight of state mandated programs.

## **8. Transportation, Communication and Public Works**

#### Transportation

- (a) Support measures that would increase the ability of local agencies to finance local and regional transportation facilities and improvements, including alternative modes of transportation and transportation demand management systems and transportation systems management initiatives.
- (b) Support legislation that provides for safe, effective and efficient transportation alternatives for all travel modes.
- (c) Support funding and legislation that provides direct support to cities to advance roadway safety through education, engineering and enforcement.
- (d) Support legislation that establishes requirements for E-bike rider safety training and licensing.

- (e) Oppose transportation proposals that would adversely affect the quality of life in North San Diego County by causing traffic congestion, air pollution or other problems.
- (f) Encourage and support double tracking of the rail corridor within the City limits in a manner that:
  - 1. Improves public safety access and response times.
  - 2. Eliminates or reduces existing at-grade rail crossings within the rail corridor.
  - 3. Improves local, regional, and coastal access for all travel modes (bicycle, pedestrian, vehicle, transit).
  - 4. Minimizes impacts to neighborhoods.
  - 5. Maximizes community and neighborhood connections.
  - 6. Protects and/or improves the economic vibrancy of surrounding neighborhoods and the city.
  - 7. Protects and/or enhances environmental resources.
- (f) Oppose legislation that diminishes local control over the regulation and deployment of micro-mobility solutions.
- (g) Oppose measures that would result in the consolidation of the North County Transit District and Metropolitan Transit System.
- (h) Support measures that protect residents, businesses and visitors from the adverse impacts of aircraft operating at McClellan-Palomar Airport.
- (i) Oppose changes in aviation policies that would allow McClellan-Palomar Airport to expand without authorization from the city.
- (j) Support legislative and regulatory initiatives to study and mitigate the noise and air quality impacts associated with air traffic overflights.
- (k) Support legislative and regulatory initiatives that promote market penetration and infrastructure expansion to expedite the transition to lead-free aviation fuels and eliminate the use of leaded aviation gasoline.
- (l) Support measures that would increase local control over airports located within municipal boundaries.

#### Public Works

- (a) Oppose legislation that would erode or purport to erode a charter city's ability to design, implement, determine wage rates or fund any and all public works projects within its jurisdiction.

- (b) Support funding and legislation that supports utilities undergrounding.

#### Contracts

- (a) Support legislation prohibiting firms from bidding on City projects if the firm is currently involved in legal proceedings against the City arising from prior projects.
- (b) Oppose measures that would eliminate state licensing requirements for professionals involved in designing public and private developments.
- (c) Support measures that would clarify the roles and responsibilities of public agency officers and employees as related to the prohibition on entering into or participating in making contracts in which they have a financial interest.
- (d) Support legislation that clarifies when the award of a contract would constitute a conflict of interest relative to Government Code Section 1090.

#### Telecommunications

- (a) Support legislation and regulations of telecommunications facilities and services that:
  1. Maintain local control over the public right-of-way.
  2. Provide just compensation for the use of right-of-way and overseeing public service standards.
  3. Ensure public, education, and governmental access is available, equitable and affordable.
  4. Provide free access for public information services and announcements.
  5. Maintain local control, including but not limited to discretionary permits over wireless communications facilities.
  6. Reinstates competition in the telecommunications industry.
  7. Enhance access for all community members to fast, reliable, affordable and high-quality internet, which can spur innovation and help close the digital divide in California.
  8. Support net neutrality to prevent internet service providers from blocking, throttling, degrading, or providing for paid prioritization of lawful content, applications, or services.
- (b) Support legislation that requires cable television companies to assure that audio and video portions of adult entertainment channels are completely blocked 24 hours a day in the homes of non-subscribers.
- (c) Oppose any measure or legislation that prevents local franchising of cable television or video services, regardless of the technology used to deliver the cable television or video services to the subscriber.



# City Council

## POLICY STATEMENT

Policy No. 39  
 Date Issued 03/16/2021  
 Resolution No. 2021-058

**Subject:** Intergovernmental Affairs Program

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### Purpose

To establish the guidelines of the city's intergovernmental affairs program.

### Background

The city's intergovernmental affairs program enables the city to efficiently and effectively address intergovernmental and legislative matters affecting the city. By establishing a standing City Council Legislative Subcommittee and an Intergovernmental Affairs Director position, the city recently enhanced its capacity to monitor, analyze and respond to a steadily increasing stream of new legislation and an increasingly complex network of relationships existing among governmental agencies at the federal, state and local level. This policy establishes an appropriate and flexible intergovernmental affairs program for the City of Carlsbad.

### Statement of policy

1. It shall be the policy of the City of Carlsbad to actively monitor and advocate for legislation and other intergovernmental matters affecting the city as directed by the City Council to protect the city's interests and local legislative authority.
2. The city will maintain an ongoing membership in the League of California Cities, which serves to promote the unified position of municipalities in San Diego County and throughout California to the state and federal legislature.
3. The City Council will adopt a Legislative Platform that clearly expresses the city's position on, and provides a basis for prioritizing and acting upon, a broad range of intergovernmental and legislative matters.
  - The Legislative Platform will be reviewed annually by the City Council Legislative Subcommittee and amended as needed by the City Council.
4. The City Council will adopt Legislative Priorities to guide the city's advocacy efforts during the state's biennial legislative session.
  - The Legislative Priorities will be reviewed annually by the City Council Legislative Subcommittee and amended as needed by the City Council.
5. The City Council Legislative Subcommittee will work in coordination with the Intergovernmental Affairs Director, City Manager's Office, City Attorney's Office, city departments, legislative consultants and the Carlsbad community to:

- a. Receive information and advise the City Council on intergovernmental and legislative matters affecting the city;
  - b. Continuously monitor state and federal proposed legislation, and:
    - i. Review proposed legislation for consistency with the Legislative Platform;
    - ii. Make recommendations to the City Council to identify high priority bills; and
    - iii. Make recommendations to the City Council to adopt advocacy positions on high priority bills not addressed by the Legislative Platform;
  - c. Proactively seek to identify local and regional legislative needs and recommend bill sponsorship opportunities to the City Council; and
  - d. Engage and inform the Carlsbad community (residents, businesses, stakeholder groups) and other governmental agencies on intergovernmental and legislative matters affecting the city.
6. Only the Mayor or the Mayor's designee may sign a letter on behalf of the city or the city's subsidiary entities, to oppose or support legislation, or otherwise advocate in support or opposition of intergovernmental matters.
7. Only the City Council may authorize a letter to be sent on behalf of the city or the city's subsidiary entities to oppose or support legislation not clearly addressed by the Legislative Platform.

### Procedure

1. The city will utilize the League of California Cities' Summary of Existing Policy and Guiding Principles as an organizational framework for structuring the city's Legislative Platform.
2. The City Council Legislative Subcommittee will review the Legislative Platform annually, and will recommend amendments to the City Council for adoption, as needed.
3. The Intergovernmental Affairs Director will monitor the League of California Cities' *CA Cities Advocate*, *Action Alerts* and other informational resources, and will engage the City Attorney's Office, city departments, city boards, committees and commissions, legislative consultants, federal, state and local governmental agencies, affiliated professional associations and the Carlsbad community to identify and inform the City Council Legislative Subcommittee on emerging and ongoing legislative trends, proposed legislation and other intergovernmental matters having a direct and significant impact on the city's fiscal, operational and environmental health, and the overall quality of life enjoyed by Carlsbad residents and other stakeholders.

- a. The City Council Legislative Subcommittee will consider emerging and ongoing legislative trends and proposed legislation in reviewing the city's Legislative Priorities annually, and will recommend amendments to the City Council for adoption, as needed.
- b. The Intergovernmental Affairs Director will identify and inform the City Council Legislative Subcommittee on proposed legislation and other intergovernmental matters that may have a direct and significant impact on the city's fiscal, operational and environmental health, and the overall quality of life enjoyed by Carlsbad residents and other stakeholders.
  - i. If the City Council Legislative Subcommittee deems such to be a potential high priority bill or other intergovernmental matter clearly consistent or inconsistent with the Legislative Platform, the City Manager and Intergovernmental Affairs Director shall be authorized to request, and the Mayor or the Mayor's designee shall be authorized to take appropriate action in support or opposition.
  - ii. If the City Council Legislative Subcommittee deems such to be a potential high priority bill or other intergovernmental matter not clearly consistent or inconsistent with the Legislative Platform, the City Council Legislative Subcommittee will develop and present a recommended advocacy position to the City Council for consideration.
  - iii. In cases when the City Council Legislative Subcommittee cannot reach a decision as to whether a proposed piece of legislation should be deemed a high priority bill, or whether it is consistent or inconsistent with the Legislative Platform, the matter will be referred to the City Council to make such determination.
  - iv. As the State Legislature nears the end of the legislative session each year, hundreds of bills are often amended and passed over the course of only a few days. In cases when a late-breaking bill amendment is determined by the City Manager to have a potentially significant beneficial or detrimental effect on the city; and when such amendment is scheduled to be heard by the Legislature before it can be reviewed by the City Council Legislative Subcommittee or City Council, as may otherwise be required; the City Manager and Intergovernmental Affairs Director shall be authorized, in coordination with the Mayor, to take appropriate action in support or opposition of the proposed amendment, consistent with a position taken by the League of California Cities or another affiliated professional association.

- c. The city's legislative positions, as further defined below, are established and advocated for in accordance with the procedures outlined above. The city's advocacy efforts in support of a legislative position may include the following resources and activities: position letters; staff, consultant and councilmember testimony to committees and other legislative and regulatory bodies; and meetings and phone calls with members of legislative and regulatory agencies.
  - i. Support – A support position indicates to the corresponding legislature, regulatory agencies, and other stakeholders, that the City of Carlsbad is in favor of the legislation in question.
  - ii. Support if Amended – A support if amended position indicates to the corresponding legislature, regulatory agencies, and other stakeholders, that the City of Carlsbad is in favor of the legislation in question, if the requested changes are adopted.
  - iii. Neutral – A neutral position indicates to the corresponding legislature, regulatory agencies, and other stakeholders, that the City of Carlsbad is impartial on the legislation in question and does not wish to take a position.
  - iv. Oppose – An oppose position indicates to the corresponding legislature, regulatory agency, and other stakeholders that the City of Carlsbad is against the legislation in question.
  - v. Oppose Unless Amended – An oppose unless amended position indicates to the corresponding legislature, regulatory agencies, and other stakeholders, that the City of Carlsbad is against the legislation in question, unless the requested changes are adopted.
  - vi. Watch – A watch position indicates to the corresponding legislature, regulatory agencies, and other stakeholders, that the City of Carlsbad is dedicating resources to monitor the legislation in question.
4. The Intergovernmental Affairs Director will provide the City Council with a monthly update on the progress of high priority bills and other intergovernmental matters.