



Legislation Text

File #: 2018-0429, **Version:** 1

DATE: October 9, 2018

SUBJECT:

RESOLUTION ADOPTING THE 2018-2022 SAN DIEGO UNIFIED PORT DISTRICT LEGISLATIVE PLATFORM

EXECUTIVE SUMMARY:

In 2013, the District approved its first Legislative Platform. The Board-adopted Legislative Platform serves as a comprehensive set of guidelines for staff to analyze how legislative, budgetary, and regulatory ordinances and bills could affect the District and its operations when those ordinances and/or bills are introduced in the State Legislature or United States Congress.

The Legislative Platform:

1. Provides a Board-approved set of criteria for staff to utilize in evaluating legislative and regulatory matters, and in providing recommendations on those matters to the Board.
2. Provides a solid foundation of legislative guidelines to direct staff action in situations where legislative or regulatory proposals need to be responded to quickly and effectively.
3. Provides Board-approved legislative principles that are publicly available, give clear guidance for District staff action, and increase the transparency of the District's decisions.
4. Runs concurrently with the Board-approved COMPASS Strategic Plan for 2018- 2022.

The Legislative Platform contains ten policy statements on ten policy issues of interest to the District. District staff evaluates policy proposals according to the Board-approved Legislative Platform and input from District staff and the General Counsel's Office. When appropriate, District staff will publish a formal "support", "oppose", "support if amended," or "oppose unless amended" position based on reasoning consistent with the Legislative Platform. District staff also utilizes the Legislative Platform to make recommendations to the Board for sponsorship of legislation, which requires the adoption of a resolution by the Board of Port Commissioners. Staff does not utilize the legislative platform to take positions on voter-driven initiatives and propositions.

In developing the original Legislative Platform in 2013, District staff utilized the Board-approved COMPASS Strategic Plan and its goals, as well as input from external and internal stakeholders. The refreshed Legislative Platform continues those values in much the same form, aligning the specific strategic goals and the most relevant sector(s) of the Port for each policy statement in the Legislative Platform.

RECOMMENDATION:

Adopt a Resolution adopting the District's 2018 - 2022 Legislative Platform.

FISCAL IMPACT:

Not Applicable.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goal(s).

- A Port that the public understands and trusts.
- A thriving and modern maritime seaport.
- A vibrant waterfront destination where residents and visitors converge.
- A Port with a healthy and sustainable bay and its environment.
- A Port with a comprehensive vision for Port land and water uses integrated to regional plans.
- A Port that is a safe place to visit, work and play.
- A Port with an innovative and motivated workforce.
- A financially sustainable Port that drives job creation and regional economic vitality.

DISCUSSION:

In December 2011, the Board of Port Commissioners adopted the 2012-2017 COMPASS Strategic Plan, which is the foundational direction for the Legislation Platform. The Legislative Platform is the statement of the legislative goals and principles of the Board of Port Commissioners, and was originally approved by the Board in 2013. The platform is derived from the District's COMPASS Strategic Plan and the goals outlined therein. The District's Legislative Platform outlines a set of broad organizational goals in areas of specific interest to the District and establishes the basis for advocacy efforts of District staff and legislative consultants.

The proposed District Legislative Platform (Attachment A: 2018 - 2022 Legislative Platform) offers ten policy statements that guide District staff in considering the impact to the District of a legislative, regulatory or budget action. Each policy statement is built on two or three corresponding COMPASS strategic goals. While these are the goals that are most relevant to the policy issue listed, staff is mindful of the entirety of the COMPASS Strategic Plan at all times.

Also identified are four general sectors of the District: Maritime, Harbor Police, Real Estate, and Planning & Green Port. A check mark signals the sectors of the port that each policy issue area most directly affects and where subject matter experts have been identified within the District. All ten policy statements, despite the order on the list, are equally prioritized by District staff.

The ten policy areas covered in the platform are:

1. Port Structure - Refers to the District as a public entity and trustee of public lands and includes the make-up and status of the Board of Port Commissioners under the Port District Act.
2. Port Resources - Refers generally to District operations and revenue, assets and natural resource management practices of the District.
3. Port Jurisdiction - Refers to the District's boundaries and land use authorities' relationships to other

regional public agencies, and other authorities of the Board of Port Commissioners.

4. External Relations - Refers to the District's approach to building relationships with other ports, the goods-movement community, and other relevant advocacy organizations.

5. Maritime - Refers to the District's efforts on policies that affect the cargo and cruise business at the District.

6. Environment - Refers to the District's approach to laws and regulations regarding environmental quality and the District's role as an environmental steward.

7. Integrated Land Use - Refers to the District's approach to laws and regulations affecting District projects, land management practices and coordination with other entities, and the status of the District as a lead agency under state and federal law.

8. Economic Competitiveness - Refers to the District's approach to laws and regulations affecting the economic viability and sustainability of the District, the local goods-movement economy, and the San Diego region as a whole.

9. Public Resources - Refers to the District's approach to laws and regulations that alter the availability of public resources to the District, District tenants, and the San Diego region.

10. Regional Leadership - Refers to the District's approach to its role in the region and authority to build effective policy coalitions and balanced public policy.

Each policy statement is applied to a spectrum of proposals on that issue. The statements inform District staff's advocacy efforts with legislative bodies or governmental agencies that advance positions or proposals that may impact District operations.

Staff does not utilize the Platform to recommend positions on voter-driven initiatives and propositions. Any decisions made by the Board regarding voter-driven initiatives or propositions will be handled in an individual agenda item brought to the Board separate from the Legislative Platform.

PROCESS

Staff regularly evaluates legislative and regulatory proposals and identifies policies that are consistent with the themes outlined in the Board-approved Legislative Platform. When staff identifies a policy proposal that impacts the District in a positive or negative way, staff may publish a position consistent with the Legislative Platform, which will be one of the following:

- Support: The District supports the legislative proposal becoming law.
- Oppose: The District opposes the legislative proposal becoming law.
- Support If Amended: The District approves of the goals of the legislative proposal but must see portions of it amended before it can support the proposal becoming law.
- Oppose Unless Amended: The District opposes the proposal as currently written, however would remove its opposition if certain changes were to be made.
- Neutral: The district is expressly neutral, or has removed a previous position on the bill.

Staff uses a memo to inform the Board of the proposal and explain why a position is necessary. Staff also utilizes the Legislative Platform to guide recommendations for sponsorship of legislative proposals. Sponsorship of legislation requires soliciting an elected official to author the legislation, building a broad coalition of support, and committing significant District resources, preparation, and Staff time toward moving the proposal into law. Due to the increased responsibility and commitment required by proposal sponsorship, District-sponsored legislation is addressed in an agenda item, separate from the Legislative Platform or Legislative Priorities, to be approved by the Board of Port Commissioners. Definitions of policy sponsorship positions for legislative proposals:

- Sponsor: The District is the genesis of the legislation and has committed to finding an author and building a coalition of support to make it law.
- Co-Sponsor: The District is partnering with one or more other entities to be the genesis of the legislation and to find an author and build a coalition of support to urge its passage and signature into law.

District staff will only sponsor legislative proposals that are publicly approved by the Board of Port Commissioners in a separate agenda item from the Legislative Platform.

OUTREACH

District staff works with internal and external stakeholders continually to gather input in applying the District's Legislative Platform. This was done when the Platform was originally created, and continues today.

Externally, staff examines the issues and platforms of the five member cities and the Port Tenants Association to align legislative issues and interests where appropriate. Staff reaches out to various regional advocacy groups including labor, business, public safety, and environmental to gain a clear understanding of the regional priorities of these groups. Staff also reaches out to other public entities for input, to replicate best practices, and to understand lessons learned. These include the County of San Diego, the San Diego County Airport Authority, and SANDAG, as well as all five member cities.

Internally, staff meets with the executive leadership group, department directors, and various subject matter experts to gain a clear understanding of how legislative, regulatory, and budgetary issues can affect the District, District operations, business lines, and projects.

To continue benefiting from a principled framework for understanding legislative issues and advancing District priorities, staff recommends adopting a resolution to adopt the 2018-2022 Legislative Platform.

General Counsel's Comments:

The Office of the General Counsel has reviewed and approved the proposed Platform as to form and legality.

Environmental Review:

The Board direction or action, including without limitation, a resolution adopting the 2018-2022 San Diego Unified Port District Legislative Platform does not constitute an "approval" or a "project" under the definitions set forth in California Environmental Quality Act (CEQA) Guidelines Sections 15352 and 15378 because no direct or indirect changes to the physical environment would occur. CEQA requires that the District adequately assess the environmental impacts of projects and reasonably foreseeable activities that may result from projects prior to the approval of the same. Any project developed as a result of Board's action or direction that requires the District or the Board's discretionary approval resulting in a physical change to the environment will be analyzed in accordance with CEQA prior to such approval. CEQA review may result in the District, in its sole and absolute discretion, requiring implementation of mitigation measures, adopting an alternative, including without limitation, a "no project alternative" or adopting a Statement of Overriding

Consideration, if required. The current Board direction in no way limits the exercise of this discretion. Therefore, no further CEQA review is required.

In addition, this Board item complies with Section 87 of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operations of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed project is consistent with the Public Trust Doctrine.

The proposed Board direction or action does not allow for “development,” as defined in Section 30106 of the California Coastal Act, or “new development,” pursuant to Section 1.a. of the District’s Coastal Development Permit (CDP) Regulations because they will not result in, without limitation, a physical change, change in use or increase the intensity of uses. Therefore, issuance of a Coastal Development Permit or exclusion is not required. However, development within the District requires processing under the District’s CDP Regulations. Future development, as defined in Section 30106 of the Coastal Act, will remain subject to its own independent review pursuant to the District’s certified CDP Regulations, PMP, and Chapters 3 and 8 of the Coastal Act. The Board’s direction or action in no way limits the exercise of the District’s discretion under the District’s CDP Regulations. Therefore, issuance of a CDP or exclusion is not required at this time.

Equal Opportunity Program:

Not applicable.

PREPARED BY:

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Attachment(s):

Attachment A: 2018 - 2022 Legislative Platform