Filling the Void: The Obstacles to Regional Government and Management of Environmental Problems

by Chad Carlock

Introduction

We as a species have come to realize that the sheer scale of human enterprise is having and will continue to have unavoidable adverse impacts on our environment.[1] A crucial question then becomes how best to manage and allocate these impacts. In recent years, therefore, state and local governments have sought to minimize and mitigate the adverse effects of development and population growth. In California, local government (cities and counties) holds the primary planning and land use authority within their jurisdictions.[2] With respect to environmental issues, each local government identifies current and potential problems within their jurisdiction and seeks to alleviate these problems through planning or regulation. Unfortunately, alleviating a problem in one jurisdiction often exacerbates that problem in a neighboring jurisdiction. Local government has been unable to develop an adequate response to large-scale environmental problems.

This article reviews the current structure of local government law in California, and concludes that comprehensive, regional approaches to environmental problems are virtually nonexistent. The established hierarchy of state, county, and municipal governments precludes the widespread use of regional government. After exploring practical, statutory, and judicial obstacles to regional government, this article proposes that an additional tier of government, a series of Regional Boards, would be a valuable contribution to environmental management. Adding a regional level to California's governmental scheme would reduce the power of local government entities. Thus, these entities are unlikely to support such a proposal. However, as time passes and environmental problems become more complicated and intractable, a move toward regional approaches is perhaps unavoidable.

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I. The Problems: Why Environmental Issues Require Regional Governmental Approaches

While state law neatly subdivides planning responsibility based on political boundaries, environmental problems are not confined within these boundaries. The very fact that local government has thus far been unable to adequately address many environmental problems demonstrates that inconsistent, piecemeal strategies are incomplete. Environmental problems such as water allocation, groundwater depletion, air pollution, land use patterns, and the overall level of development all have regional (if not national and international) impacts, but are only planned for and dealt with on a local level. Each individual local governmental unit works in its own best interest, and the resulting variety of approaches to these problems creates only chaos. With hundreds of overlapping strategies for dealing with environmental issues, each inconsistent with neighboring plans, it is not surprising that progress in improving our environment has been sporadic at best.

Water is a prime example of the weaknesses of localized planning. A single river or stream almost flows through many different jurisdictions.[3] Diversions and consumptive uses in one locale will inevitably have numerous impacts downstream on fish and wildlife as well as agricultural and municipal uses. Pollutants introduced into surface waters also will have regional effects. Consequently, the entire watershed of a surface stream could (and perhaps should[4]) be considered an interconnected entity for planning purposes. In reality, however, local entities compete against each other for allocation of California's scarce water resources,[5] rather than coordinating an integrated regional water management plan to protect both human users and the environment.[6]

Groundwater suffers from similar problems. Groundwater aquifers commonly extend under more than a single governmental agency's jurisdiction. But local governments usually do not adopt an integrated approach to groundwater management. Only when the actions of one or both neighbors create a shortage do they discuss coordinated management and regulation. The first concern of local governments is often "How much water do we need?" This question is followed only later by considerations of "How much is sustainably available?" The potential needs and claims of neighboring jurisdictions are only considered in this second question, rather than in the initial planning stage.

Air quality problems provide another example. Without a regional method to control sources of air pollution, a lone jurisdiction's attempts to control air quality are only a partial solution. Why should one jurisdiction develop an extensive public transportation system, for example, when a neighbor continues to encourage people to drive their private automobiles? Air pollution, particularly in the basin of the Sacramento Valley, is a problem shared by all jurisdictions. Solutions implemented on a merely local level will certainly have a positive impact, but without the implementation of similar steps elsewhere, these improvements will be limited.

Land use patterns, and their accompanying levels of development, frequently have regional impacts which are not sufficiently dealt with by local governments. Development in one location may induce growth elsewhere in the region, change traffic patterns, alter social services needs, or create a drain on natural resources outside of the jurisdiction.[7] While local governments are required to analyze possible growth-inducing impacts of development under CEQA,[8] effects outside the jurisdiction are often dismissed or minimized as merely speculative.[9] Environmental impacts within the jurisdiction certainly receive more intense study and analysis. In addition, local governments are permitted to impose these external effects on neighboring communities without the neighbor's consent — as long as the acting jurisdiction has *considered* the impacts, they can choose to go ahead with the project if they so desire. Localized planning authority, therefore, creates the opportunity for conflict and an inequitable allocation of environmental burdens between jurisdictions.

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II. The Obstacles Facing Regional Approaches to Environmental Issues

The are numerous obstacles to the development of regional government in California. The state has had an established division of power between state and local governments for over one hundred years. Local governments are entrusted with significant land use and planning authority. Shifting to regional approaches would disturb this established structure. Consequently, there is a great deal of resistance to

the concept of regional control.[10] This article next examines some of the practical, statutory, and judicial barriers to regional government in California.

A. The Virtues of Local Government

Land use and planning authority have historically been exercised by local agencies.[11] There are a variety of factors which explain this tradition. Cities and counties are the "closest" governmental entities to the populace.[12] They are (at least in principle) more accessible to their constituents. Consequently, they are seen as more responsive to and representative of local concerns and values. Local officials are often in a uniquely advantageous position in that they understand the social and political context of a community, and can make decisions accordingly.[13] In addition, local governments have over time developed numerous institutional arrangements for resolving local conflicts.[14] With established and accessible local institutions already in place, it is perhaps understandable that many are hesitant to incorporate regional systems of governance into this system.

B. California Statutes Do Not Allow Effective Regional Government

California statutes give short shrift to the concept of regional government, particularly when dealing with environmental issues. State law gives planning and regulatory land use authority almost exclusively to cities and counties as part of their police power.[15] Local governments are to exercise this land use authority in the public interest of their citizens. There is a comprehensive scheme for planning at the local level. Cities and counties are required to promulgate general plans for their jurisdiction, which must include seven mandatory elements.[16] These plans determine the scope and timing of development and land use within a community. Since 1971, all local land use approvals must be consistent with the jurisdictions' general plan.[17]

Other than state mandated programs and the limitation that local plans cannot conflict with state law, localities are given virtually absolute discretion to determine what is in the public interest for their local constituents.[18] This is the essence of the "home rule" doctrine.[19] While appropriate as a democratic principle, this doctrine in fact facilitates parochialism—the shifting of environmental burdens onto other jurisdictions. Decisions are made based on local interests, essentially without regard to matters of regional or state concern. What may be in the interest of one segment of the public is not necessarily what is best for the larger regional population or for the ecosystem. Furthermore, under the numerous municipal home rule provisions of the California Constitution,[20] the state is absolutely prohibited from acting with respect to matters of local concern.[21] These restrictions create a bastion of power in local governments — a power they are loath to surrender in the name of regional government.

State law does provide for some regional agencies charged with planning and environmental decision making.[22] However, with a few notable exceptions, these organizations do not have the statutory authority necessary to adequately live up to their potential. First of all, each agency is usually set up as a single-issue special district.[23] They therefore lack the kind of comprehensive planning authority needed to deal with numerous environmental issues. Second, regional agencies are often given only advisory policy-making authority; they have no enforcement authority to ensure that their decisions are carried out by local governments.

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Finally, the regional agencies which are permitted are entirely voluntary institutions. There is no procedure to require the participation or compliance of an unwilling local government.[24] Because of these shortfalls, the current mechanisms for regional governance are inadequate to allocate environmental burdens and benefits between jurisdictions.

State law has also created some regional entities as a response to federal environmental mandates. A prime example is the Air Quality Management District (AQMD), which promulgates air pollution control guidelines that are binding on each local government within its jurisdiction.[25] However, such agencies were developed only as a response to mandates imposed by federal law. In the case of Air Quality Management Districts, the federal Clean Air Act[26] required each state to develop an implementation plan designed to achieve federal air quality standards by certain deadlines.[27] Wisely recognizing that the only effective way to address air quality problems is through regional management (after all, air pollution does not respect political boundaries), California formed regional Air Quality Management Districts by statute.[28] Sadly, however, AQMDs were only developed when it was finally conceded that a regional approach was the only way to meet the federally-imposed guidelines. Regional government was the alternative of last resort.

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The limited number of regional entities created under state law do not have adequate statutory authority to make satisfactory progress on environmental issues. State legislators have been extremely hesitant to recognize the utility of regional approaches in environmental law and land use policy. As a result, California law does not provide adequate support for regional governmental approaches to environmental problems.

C. Case Law Undermines Regional Government Efforts

Various local governments have endeavored, on several occasions, to create regional agencies or adopt regional approaches to environmental management.[29] These experiments have primarily dealt with allocating a specific resource or coordinating planning on a parcel of land which crossed jurisdictional boundaries. While these efforts were laudable first steps in the right direction, courts have been unreceptive to innovative regional agencies. One recent case demonstrates the current legal system's hostility to regional approaches to environmental problems.

In Alameda County Land Use Association v. City of Hayward,[30] the California Court of Appeals held that cities and counties could not, even voluntarily, enter into a Memorandum of Understanding (MOU) to coordinate their approaches to land use for a particular area.[31] The Court agreed with the plaintiff landowners that the MOU was a forfeiture by the county and cities of their independent planning and land use power.[32] Specifically, the court stated that "[T]he MOU constitutes an impermissible divestment by respondents of their power and obligation to enact legislation affecting the lands within their respective jurisdictions."[33] In other words, the jurisdictions involved were not permitted to coordinate planning between themselves because it limited their power to act selfishly.

The land at issue in Alameda was a 13,000 acre parcel of open pasture space known as the Ridgelands Area.[34] Much of the land was located in rural Alameda County, but portions of the parcel

were within the cities of Pleasanton and Alameda.[35] These three jurisdictions entered into an MOU for the purpose of implementing consistent land use policies and goals for the Ridgelands Area. Each jurisdiction agreed to use best efforts to adopt the policies of the MOU into their respective general plans.[36] The Ridgelands MOU also contained a parallelism requirement — none of the general plan amendments incorporating the MOU were to be effective until parallel amendments were adopted by the other parties to the agreement.[37] Further, subsequent amendments or repeal of the MOU's terms would not be effective unless parallel repeals occurred in the other jurisdictions.[38] Thus, the three jurisdictions involved consented to carry out the goals and policies agreed on in the MOU in a mutually binding, comprehensive manner.

What is necessary is a restructuring of local government law in California. Regional Governing Boards should be given primary planning authority (at least with respect to environmental issues), with local jurisdictions conforming to regional management strategies and policies.

The Alameda court found the parallelism requirements particularly objectionable. By voluntarily making their respective regulations interdependent, the court noted that "the exclusive power of an individual jurisdiction has become a contingent power, dependent on the concurrence of other jurisdictions."[39] The court stated that this result was unacceptable. Under California law, concurrent exercise of the police power is impermissible. Each jurisdiction must act individually in its own interest, and agreements to work together illegally impair this power. The court therefore struck down the MOU.[40]

The current legal scheme not only contemplates, but seems to encourage (or even *require*) a localist, provincial, self-interested approach to land use by local governments. Under Alameda, local governments are not permitted to voluntarily coordinate their approaches to land use, because each is supposed to further only their own local interests. (The Alameda court failed to discuss the possibility that coordinating their approaches to land use might in fact *be* in the best interest of each individual jurisdiction.) If voluntary approaches such as this are prohibited by state law, what are the chances that a regional governmental or pseudo-governmental agency could be successful in regulating or coordinating land use of an unwilling local government, even if it is for the general good? The answer, unfortunately, is slim to none.

III. Proposal: How Regional Government Could Work

As we have seen, the modern legal arrangement promotes localism at all costs. Local governments are encouraged to consider only the interests of their local community. Regional interests are seen somehow outside of the scope of local government decision making, and some cases even imply that a local government is somehow failing in its duties to its constituency if it considers such "extrinsic" factors. Needless to say, this structure hinders the development of a comprehensive and coherent approach for dealing with environmental problems.

A change is needed to facilitate more regional approaches to environmental problems. What is necessary is a restructuring of local government law in California. Regional Governing Boards should be given primary planning authority (at least with respect to environmental issues), with local jurisdictions conforming to regional management strategies and policies. Regional mechanisms can develop comprehensive approaches and solutions to environmental and land use problems. To be effective, regional governments must be able to impose these solutions on local governments — even

unwilling local governments, if necessary. The decisions of a regional planning agency are more likely to represent a coherent strategy for the entire region, rather than a series of balkanized, localistic decisions. Regional governments can work out compromises which are acceptable to all, but which still make the tough choices necessary to adequately address environmental problems.

The myopic "home rule" framework of the present is inadequate to deal with large-scale environmental and land use issues. Because this framework is so well established, however, a statutory change to allow effective regional governments would be a significant departure from current law. The precise language and content of the necessary statutory amendments is beyond the scope of this article.[41] However, it is possible to make some general comments about the steps which need to be taken to facilitate regional approaches to environmental issues.[42]

Perhaps the best approach would be create an additional tier of government. Environmental planning and remediation would be carried out by a series of regional governments, located in between the state and local governments in the hierarchy of planning law. Regional governments could be composed of representatives from each local agency under the jurisdiction of the regional board.[43] Allowing only one representative from each local agency would prevent any single interest (urban or rural) from dominating the decision making for its own benefit. Popularly-elected citizens from each community in the region might also be included.[44]

In order for regional approaches to be truly successful, their decisions must be enforceable against all counties and municipalities in the region. Allowing voluntary regional coordination of environmental planning and policy making (contrary to the court's holding in Alameda) would be a step in the right direction.[45] However, even this step is insufficient, because one uncooperative local entity can ruin an otherwise comprehensive plan. And why should any particular local agency voluntarily limit its resource use or growth potential, if it has no assurance that its neighbors will do likewise? Therefore, statutes creating regional government agencies must require cities and counties to abide by the decisions of the regional planning agency.

The mandatory compliance aspect of a regional government approach conflicts sharply with existing law, particularly the Constitutional home rule provisions.[46] Explicit statutory authority is needed which would state that adherence to regional mandates does not violate the local governments' duty to exercise their police powers within their jurisdiction.[47] In addition, the scope of environmental issues which would be addressed by regional government makes them matters of statewide or public concern, and not merely of local concern.[48] Therefore, regional government, with respect to these broader issues, should not offend the home rule provisions.[49]

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This regional approach to environmental issues would unquestionably be a major change in governmental organization in California. In fact, measures such as regional government would perhaps best be brought forth by organizations such as the California Constitutional Revision Commission.[50] This regional approach would add an additional tier of government to our already complicated and bureaucratic governmental hierarchy. It would also unquestionably diminish the almost plenary power currently exercised by city and county governments in the planning area. Consequently, local governments and the general public are not likely to support such measures.[51]

The advantages of a regional approach to environmental problems outweigh any drawbacks. Cohesive, unified approaches allow entire regions to make environmental progress together. Regional, rather than local, planning means that environmental burdens will be borne fairly and equitably between all of the cities and counties of a jurisdiction. Coordinating growth on a regional scale more accurately reflects the scale of the effects of development, particularly on natural resources. Regional approaches also allow closer scientific and policy scrutiny of the regional impacts of population growth and economic development.

Conclusion

This article proposes a series of statutory amendments which would allow the formation of regional governmental agencies with binding land use, planning, and environmental authority. The current legal and administrative framework does not allow such entities to function successfully. If anything, the current structure of local government impedes the development of this much needed regional emphasis. While some might properly argue that the last thing we need is an additional level of government, some sort of mid-scale governmental entities are essential if we are to adequately deal with the tough choices and environmental crises society will most certainly face in the coming decades.

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NOTES

[1] *See, e.g.*, ALBERT GORE, EARTH IN THE BALANCE (1993); PAUL EHRLICH & ANNE EHRLICH, HEALING THE PLANET (1991).
[2] Cal. Gov. Code §§ 6500-66499.58 (West 1995.
[3] The watershed of the Colorado River, for example, flows through seven western states, as well as through Mexico. The meandering course of the American and Sacramento Rivers here in the Central Valley demonstrates the inherently regional nature of water resources.
[4] Explorer John Wesley Powell suggested in his 1879 piece A Report on the Lands of the Arid Region of the United States, With a More Detailed Account of the Lands of Utah that political boundaries in the West should be drawn based on the watersheds of major river systems. *See* MARC REISNER, CADILLAC DESERT 45-47 (1986); *see also* Robert W. Adler, Addressing Barriers to Watershed Protection, 25 ENVTL. L. 973 (1995). Contrary to this suggestion, many states and counties were organized based on exactly the opposite strategy — with the river itself making up the geographical boundary. This approach inevitably creates jurisdictional disputes over the allocation and management of the river's water. Id.
[5] The state government has stepped in somewhat to correct the failures of localized allocation of water. All appropriations of water in California must be persuant to a permit obtained from the State Water Resources Control Board. *See* Cal. Water Code §1201 et seq. (West 1995). In this fashion, the state oversses allocation of surface waters and denies permits when a stream is over-appropriated. Cal. Water Code § 1205 et seq. (West 1995). However, this state permit system applies only to appropriative rights, and does not extend to land owners claiming riparian or other types of water

rights. Cal. Water Code § 1201 (West 1995). In addition, there is no permit system for the allocation of groundwater in California. *See* Cal. Water Code §§1200-1201 (1995) (defining waters subject to appropriation as surface waters or "subterranean streams flowing in known and definite channels.").

[6] As this article shows, local governments only turn to regional management and regional planning approaches during a crisis. See Philip J. Tierney, Maryland's 2020 Proposals: Strong Medicine for a Life-Threatening Illness, 1 U. Balt. J. Envtl. L. 24 (1991). Otherwise, they are unwilling to surrender the power and control delegated to them by state law. The author believes that the next 50 years will see an incresing number of environmental crises, and therefore regional gvoernment is likely the wave of the future... whether local governments approve or not.

[7] *See* Kenneth A. Brunetti, Note, It's Time to Create a Bay Area Regional Government, 42 Hastings L.J. 1103, 1119 (1991) (noting that uncoordinated development "results in greater overall commute time, increased air pollution, and worse urban sprawl.").

[8] Cal. Pub. Res. Code § 21100(b) (West 1995); Cal. Code Regs. tit. 14, §§ 15128-30.

[9] *See* Barbara Clark, Comment, An Expanded Role For the State in Regional Land Use Control, 70 Calif. L. Rev. 151, 161 (1982) (stating that "many of the required planning elements do not supply the extralocal perspective ecome critical where natural resources show a shrinking tolerance for handling the cumulative impacts of each community's development.").

[10] *See* Brunetti, *supra* note 7, at 1106 (stating that "[d]espite its value, a regional government remains very unpopular to the general public and to existing municipalities.").

[11] *See* Clark, *supra* note 9, at 154.

[12] *Id.*

[13] *Id.*

[14] *Id.* at 154-55.

[15] Cal. Const. Art.XI, § 7. Section 7 confers on local governments the power to "make and enforce within [their] limits all local police, sanitary, and other ordinances and regulations not in conflict with general laws." *Id.* Section 5(a) adds that "It shall be cometent in any city charter to provide that the city governed thereunder may make and enforce *all ordinances and regulations in respect to municipal affairs*, subject only to restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws" (emphasis added). Cal. Const. Art.XI, § 5(a). Land use regulation a valid exercise of the police power. *See, e.g.*, Associated Home Builders, Inc. v. City of Livermore, 18 Cal. 3d 582 (1976).

[16] Cal. Gov. Code §§ 65300, 65302 (West 1995). The seven mandatory elements are land use, circulation, housing, conservation, open space, noise, and safety. *See* Cal. Gov. Code § 65302 (West 1995). Local governments may also include any additional elements they feel are appropriate. *See* Thomas L. Curry et al., General Plans: Coming of Age in California, 14 CEB Real Prop. L. Rep. 141 (May 1991).

[17] Cal. Gov. Code § 65302 (West 1995).

[18] *See* Tierney, *supra* note 6, at 24.

[19] The doctrine of home rule is based on the premise that local government leaders best understand the values and desires of a local community, so they should be given the authority to make those decisions most effecting that community. *C.f.* George D. Vaubel, Toward Principles Of State Restraint Upon The Exercise Of Municipal Power In Home Rule, 20 Stetson L. Rev. 5 (1990); Michael Libonatti, Home Rule: An Essay On Pluralism, 64 Wash. L. Rev. 51 (1989). The state is prohibited from interfering in these "local" decisions. *See* Brunetti, *supra* note 7, at 1134.

[20] Cal. Const. art. XI, §§ 1-3, 5, 7-8, 11

[21] *See* Brunetti, *supra* note 7, at 1107.

[22] *See, e.g.*, Cal. Gov, Code § 65060 et. seq. (West 1995) (allowing formation of Regional Planning Boards). The actions of these Regional Planning Boards, however, are merely advisory and are not binding on any city or county government within the region. Cal. Gov. Code § 65060.8 (West 1995). Regional Boards may only be formed by the consent of all participating agencies.
[23] For example, the Bay Area Rapid Transit District (BART) deals with transportation issues; regional Water Quality Control Districts create water policy; and Air Quality Management Districts impose air quality controls. *See* Brunetti, *supra* note 7, at 1116-1123. None of these agencies are empowered to analyze the interdependent nature of these issues — for instance the effects transit policyand development patterns have on air quality.
[24] *See* Clark, *supra* note 9, at 172 (suggesting legislature allow a two-thirds vote of local communities to commit all communities to regional government). In the case of BART, the failure to require participation was the organization's key weakness. *See* Brunetti, *supra* note 7, at 1110-1113. Counties were allowed to remove themselves from teh district by a vote of their Board of Supervisors. *Id.* at 1110. As a result, BART has not developed into the comprehensive regional transportation system it was intended to be. *Id.* at 1110-1113. Instead of serving all nine bay area counties, it currently serves portions of only three, and no expansions have ever been added to the transit system. *Id.*
[25] *See* Cal. Gov. Code § 40000 et seq. (West 1995).
[26] 42 U.S.C.A. §§ 7400-7671q.
[27] Clean Air Act § 107(a), codified at 42 U.S.C.A. § 7407(a).
[28] Cal. Health & Safety Code § 40000 et seq. (West 1995).
[29] *See, e.g.*,Brunetti, *supra* note 7, at 1109-1113 (discussing BART); Richard J. Fink, Public Land Acquisition For Environmental Protection: Structuring A Program For The Lake Tahoe Basin, 18 Ecology L. Q. 485 (1991) (discussing land acquisition by Tahoe Regional Planning Agency).
[30] 38 Cal. App. 4th 1716, 45 Cal. Rptr.2d 752 (Ct. App. 1995).
[31] *Id.* at 1725.
[32] *Id.* at 1724-25.
[33] *Id.* at 1725.
[34] *Id.* at 1719.
[35] *Id.*
[36] *Id.* at 1720. At the time of the lawsuit, the cities of Hayward and Pleasanton had both adopted the Ridgelands MOU into their general plans in their entirety. *Id.* The County of Alameda was in the process of doing so, but had not adopted all of the goals and policies by the time the lawsuit was brought. *Id.*
[37] *Id.*
[38] *Id.*
[39] *Id.* at 1724-25. The court also stated, "A local legislative body cannot surrender or impair its delegated governmental power or that of successor legislative bodies either by ordinance or contract. [Citations] More particularly, a local government may not contract away its right to exercise its police power in the future, and land use regulations involve the exercise of police power." *Id.* at 1724.
[40] *Id.* at 1725. The court did note that cities and counties may enter into joint powers agreements (JPAs) to share land use powers. *See* Cal. Gov. Code § 6500 et seq. (West 1995). But such an approach is of only limited utility — JPAs are impractical for large, complicated issues. Additionally, JPAs can only be formed voluntarily , so this approach would only work when localities are willing to enter into such agreements. They cannot be forced on a local entity insistent on retaining land use control.

[41] Because of the comprehensive allocation of power in the Government Code, numerous amendments - if not a complete overhaul of the Code itself — would be required to facilitate the regional governments advocated in this article. *See* note 50 and accompanying text (suggesting that regional government is appropriate topic for California Constitution Revision Commission).
[42] *See* Brunetti, *supra* note 7, at 1124. Brunetti also discusses three major types of arrangement for regional government: the consolidation model; a two-tier governmental model, and a regional unbrella agency. *Id.*
[43] *See* Clark, *supra* note 9, at 169.
[44] *Id.*
[45] Even this limited step would apparently require that case law such as Alameda be overruled. *See* notes 29-39 and accompanying text (discussing limiting effect of Alameda decision).
[46] *See* Brunetti, *supra* note 7, at 1134-35 (stating that under the home rule provisions, "... if a regional government interfered with the "municipal affairs" of a city, it would violate the California Constitution.").
[47] Such an amendment would avoid the problems of improper surrender of a local government's police power dealt with in Alameda. The statute could specifically state that adherence to regional mandates by local governments is not an unlawful surrender of delegated governmental powers.
[48] Brunetti, *supra* note 7, at 1107 (stating that "[i]ssues having an effect outside the borders of a city, however, are considered matters of "general" or "statewide" concern and are controlled by state law.) The environmental issues which are the focus of this article clearly have such extralocal impacts, and hence are matters of general, not local, concern. *C.f.* 8 B. WITKIN, SUMMARY OF CALIFORNIA LAW § 799 (1988) (explaining doctrine of municipal home rule).
[49] Brunetti, *supra* note 7 at 1107 (arguing that "[A] regional government should survive a home rule challenge as long as it concentrates on issues that are truly regional in scope and does not attempt to expropriate from cities and counties the power to rule on local matters.")
[50] Unfortunately, the California Constitution Revision Commission appears to be moving in precisely the opposite direction. The Commission is calling for *strengthening* of home rule through a Constitutionally-approved series of "Home Rule Community Charters." *See* California Constitution Revision Commission, Establishing a New Local Government StructureStructure and Finance System, CCRC News (March 1996), [Online]. URL: http://library.ca.gov/california/CCRC/ccrcmar.html
[51] *See* Brunetti, *supra* note 7 at 1106 (stating that legislature must create regional gvoernments because of such strong anti-regional sentiment among local governments and the electorate).

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