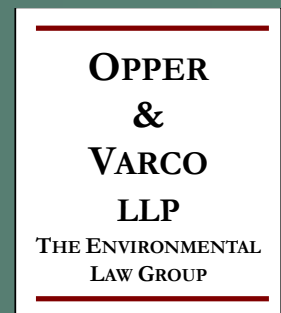


Institutional Controls

The Role of Local Government

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Institutional Controls

- **SUSTAINABLE DEVELOPMENT**
 - Relies on brownfield redevelopment
 - Often requires engineering “controls” or “EC”s
 - “EC”s require “IC”s

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- **SUSTAINABLE DEVELOPMENT**
 - Re-Use of Regulated Materials Require "IC"s
 - Re-Use is environmentally sustainable
 - Re-Use is economically sustainable

Institutional Controls

- **SUSTAINABLE DEVELOPMENT**
 - Often requires “use” restriction and can rely on public and private “IC”s
 - Covenants
 - Easements
 - Deed Restrictions

Institutional Controls

- **SUSTAINABLE DEVELOPMENT**
 - Requires planning
 - “IC”s cannot be left to the “End Game”
 - Poor planning kills deals

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- **DRIVERS FOR "IC"s**
 - Agreements between owners, developers and regulators
 - Agreements between private parties
 - Where does local government fit in?

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- **LOCAL GOVERNMENT "IC"s**
 - General Plan
 - Zoning
 - Ordinances
 - Project Area Requirements

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- **LOCAL GOVERNMENT “IC”s**
 - Susceptible to change
 - Not all communities use “plans” or “zoning”
 - “Keeper of the Record” authority is limited

Institutional Controls

➤ TOWARDS SUSTAINABILITY

- Rely on self-interest (burdens follow benefits)
- Utilize existing public models
- Expand, don't re-invent

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➤ TOWARDS SUSTAINABILITY

- IC functions should be distributed among stakeholders – not centralized
- Redundancy is not inefficient in this context

Institutional Controls

➤ FUNCTIONS FOR "IC" EFFECTIVENESS

- Recordation
- Amendment
- Enforcement

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➤ RECORDATION

- Create uniform indexing standard
- Provide liability protection to local government
- Encourage regional GIS systems

Institutional Controls

➤ **AMENDMENT**

- Require oversight and approval of appropriate environmental regulator
 - Include agency agreement
- Provide for institutional links

Institutional Controls

➤ ENFORCEMENT

- Monitoring or detection
- Conflicts/integrity of conditions
- Obligation of successors

Institutional Controls

➤ ENFORCEMENT

- Agency Agreements
 - Condition for benefits
- Stakeholder Awareness
 - Transparency of information
- Institutional Links
 - Building permits
 - Planning department
 - Redevelopment Agencies

Institutional Controls

➤ ENFORCEMENT

- Let burdens follow benefits
- Enhance self-enforcement mechanisms
- Citizens' suits?

Institutional Controls

- Effective and reliable “IC”s are critical to sustainable development
- Our systems need evolutionary, not revolutionary, advancement
- Local government liability concerns, indexing standards and “links” require legislation
- Model Act (Nat’l. Confr. Of Commissioners on Uniform State laws)