

CC 07/10



***FINAL REPORT
RESOLUTIONS APPROVED***

113th Annual Conference



***San Francisco
September 23, 2011***

FINAL REPORT ON RESOLUTIONS
September 2011

The 2011 League of California Cities Annual Conference was held September 21 – 23, 2011, in San Francisco. On Wednesday, September 21, two League policy committees met and considered the resolutions that were assigned to them.

The General Resolutions Committee met on Thursday, September 22, and considered the five resolutions before them. A chart on pages 2 and 3 of this packet includes a summary of the actions taken on the resolutions by the policy committees and the General Resolution Committee.

The resolutions contained in this packet are only those that were approved by the General Assembly on September 23. Those resolutions are numbered 1, 3, 7 and 8. Also included in this packet, on page 9, is a status report on the implementation of the resolutions approved at last year's 2010 Annual Conference. Not included in this packet are the resolutions numbered 2, 4, 5 and 6 which were not approved by the General Assembly.

We thank those city officials who served as members of policy committees, the General Resolutions Committee and those city officials who participated in the General Assembly.

Additional copies of this report are available on the League's website at:
www.cacities.org/resolutions

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3
		1 - Policy Committee Recommendation to General Resolutions Committee 2 - General Resolutions Committee 3 - General Assembly		

ADMINISTRATIVE SERVICES POLICY COMMITTEE

		1	2	3
1	Alternative Methods of Meeting Public Notice Requirements and to Advocate for Revisions to the Government Code Recognizing Alternative Methods as a Means to Meet Noticing Requirements	R	Aa	Aa
2	Tort Reform	A	R	R

PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
3	Raising Public Awareness about the Imminent Health and Safety Concerns for Bullied Children	A	Aa	Aa
4	Prison Rape Elimination Act of 2003	D	D	-
5	Replacement of the Death Penalty with the Sentence of Life Imprisonment without the Possibility of Parole	D	D	-

NO POLICY COMMITTEE – REFERRED DIRECTLY TO THE GENERAL ASSEMBLY*

		1	2	3
6	City of Bell	N/A	N/A	D

*Per the League's Bylaws, Resolution Number 6 was referred directly to the League's General Assembly.

NOTE: NO RESOLUTIONS WERE ASSIGNED TO THESE POLICY COMMITTEES:

Community Services; Employee Relations; Environmental Quality; Housing, Community & Economic Development; Revenue and Taxation and Transportation, Communication & Public Works

RESOLUTIONS INITIATED BY PETITION

		General Resolutions Committee Recommendation	General Assembly Action
7	Resolution Calling for Improved Transparency in and Public Access to the Proceedings of the California Legislature	A	A
8	Resolution Concerning Realignment Funds	A	A

KEY TO ACTIONS TAKEN ON RESOLUTIONS (*Continued*)

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

KEY TO ACTIONS TAKEN

- | | |
|-----|---|
| A | Approve |
| D | Disapprove |
| N | No Action |
| R | Refer to appropriate policy committee for study |
| a | Amend+ |
| Aa | Approve as amended+ |
| Aaa | Approve with additional amendment(s)+ |
| Ra | Refer as amended to appropriate policy committee for study+ |
| Raa | Additional amendments and refer+ |
| Da | Amend (for clarity or brevity) and Disapprove+ |
| Na | Amend (for clarity or brevity) and take No Action+ |
| W | Withdrawn by Sponsor |

ACTION FOOTNOTES

- * Subject matter covered in another resolution
- ** Existing League policy
- *** Local authority presently exists

+Note: Petitioned Resolutions may not be amended by the General Resolutions Committee.

Resolutions that are approved by the General Resolutions Committee, as well as all qualified petitioned resolutions, are reported to the General Assembly. In addition, League policy provides the following procedure for resolutions approved by League policy committees but *not* approved by the General Resolutions Committee.

Every resolution initially recommended for approval and adoption by all the League policy committees to which the resolution is assigned, but subsequently recommended for disapproval, referral or no action by the General Resolutions Committee, shall then be placed on a consent agenda for consideration by the General Assembly. The consent agenda shall include a brief description of the basis for the recommendations by both the policy committee(s) and General Resolutions Committee, as well as the recommended action by each. Any voting delegate may make a motion to pull a resolution from the consent agenda in order to request the opportunity to fully debate the resolution. If, upon a majority vote of the General Assembly, the request for debate is approved, the General Assembly shall have the opportunity to debate and subsequently vote on the resolution.

APPROVED 2011 ANNUAL CONFERENCE RESOLUTIONS

1. **RESOLUTION SUPPORTING ALTERNATIVE METHODS OF MEETING PUBLIC NOTICE REQUIREMENTS AND TO ADVOCATE FOR REVISIONS TO THE GOVERNMENT CODE RECOGNIZING ALTERNATIVE METHODS AS A MEANS TO MEET NOTICING REQUIREMENTS**

Source: Desert/Mountain Division
Referred To: Administrative Services Policy Committee

WHEREAS, the traditional means of noticing in local adjudicated newspapers is antiquated and inefficient; and

WHEREAS, the League of California Cities recognizes that in recent decades, technology has vastly improved; and

WHEREAS, that technology includes the advent of the internet, electronic mail, social media, smart phones and other smart devices (i.e. iPhones/iPads); and

WHEREAS, the public is becoming increasing familiar with the use of new technology and using it as a means to gain quick and up-to-date information; and

WHEREAS, the public has a preference for receiving information in an electronic format; and now, therefore, be it

RESOLVED by the General Assembly of the League of California Cities assembled at the Annual Conference in San Francisco, September 23, 2011, that League of California Cities:

1. Desires to enhance current public noticing requirements by communicating with the public using innovative, technologically friendly methods of communication.
2. Request that the League, as a whole, support alternative methods of meeting public notice requirements.
3. Request the League advocate for the State Legislature to adopt revisions to the California Government Code recognizing alternative methods as a means to meeting public notice requirements.
4. Support any legislation that would adopt revisions to the California Government Code recognizing alternative methods as a means to meeting public notice requirements.

BE IT FURTHER RESOLVED by the General Assembly of the League of California Cities that the League of California Cities is in support of cities communicating with the public using innovative, enhanced methods of communication.

////////

3. RESOLUTION RELATED TO RAISING PUBLIC AWARENESS ABOUT THE IMMINENT HEALTH AND SAFETY CONCERNS FOR BULLIED CHILDREN

Source: City of Elk Grove
Referred To: Public Safety Policy Committee

WHEREAS, cities throughout the State of California are becoming more aware of the growing trend of bullying in schools and on the Internet that has become a serious nationwide problem, one with often severe consequences; and

WHEREAS, surveys indicate that as many as half of all children are bullied at some time during their school years, and at least 10 percent are bullied on a regular basis; and

WHEREAS, more than 25 percent of adolescents and teens have been bullied repeatedly through their cell phones or the Internet and more than 80 percent of teens use a cell phone regularly, making it the most popular form of technology and a common medium for cyber bullying; and

WHEREAS, the social media network has vastly increased the number of users online and young people are eager to participate without understanding the consequences of their behavior; and

WHEREAS, general bullying and cyber bullying have both caused severe damage, heartache, and even fatal tragedy to young people and their families and friends; and

WHEREAS, victims of bullying display a range of responses, even many years later, such as: low self-esteem, difficulty in trusting others, lack of assertiveness, aggression, difficulty controlling anger, and isolation; and

WHEREAS, bullying has been identified as a major concern by schools across the U.S. and is an even greater concern when considering children with special needs; and

WHEREAS, cities providing an open forum to discuss bullying gives an opportunity for parents, students, and communities to acknowledge this issue, open up the conversation about the topic and raise awareness of the issue; and

WHEREAS, the League supports cities who take a stance against bullying by raising education and awareness about anti-bullying efforts throughout the State of California to provide a better life and foundation for young people; now, therefore, be it

RESOLVED, by the General Assembly of the League of California Cities, assembled in Annual Conference in San Francisco, September 23, 2011, that the League encourages cities to promote anti-bullying efforts across California as well as provide education and awareness to the general public about the imminent health and safety concerns for bullied children; and, be it further

RESOLVED, by the General Assembly of the League of California Cities, that the League will forward this Resolution to the CCS (Cities, Counties, Schools) Partnership for consideration at their next meeting to help promote anti-bullying efforts throughout California.

////////

APPROVED QUALIFIED PETITIONED RESOLUTION

7. RESOLUTION CALLING FOR IMPROVED TRANSPARENCY IN AND PUBLIC ACCESS TO THE PROCEEDINGS OF THE CALIFORNIA LEGISLATURE

Source: League Board of Directors

WHEREAS, Article 4, Section 7(c) of the California Constitution requires the proceedings of each house of the Legislature and the committees thereof to be "open and public;" and

WHEREAS, Article 4, Section 8 (a) of the California Constitution requires newly introduced legislation to be in print for a minimum of 30 days prior to the Legislature taking action; and

WHEREAS, the Legislature has adopted numerous laws requiring local and state agencies to adhere to the Ralph M. Brown Act, the Bagley-Keene Act and other laws that impose specified public notice requirements; and

WHEREAS, the people of California have a right to expect their Legislature to conduct its proceedings with an equivalent standard of public notice and opportunity for public participation as the Legislature has imposed on local and state agencies; and

WHEREAS, the Legislature has increasingly abandoned complying with the open and public government requirements of Article IV by using parliamentary maneuvers to secretly introduce and amend legislation, often in the middle of the night, and rush it to a vote with no opportunity for the public to read the legislation and communicate with their legislators prior to voting; and

WHEREAS, in late June 2011 the legislature used this process to rush approval of SB 89 that took \$130 million dollars in vehicle license fees (VLF) from the cities of the state without any opportunity for these cities, including the recently incorporated cities which were significantly affected by the legislation, to review the proposal and communicate with legislators as to its specific impacts; and

WHEREAS, the loss of city VLF revenue will cause reductions to police, fire and other vital local public services; and

WHEREAS, the secret drafting and late-night passage of SB 89 also violated the provisions of numerous other parts of the California State Constitution, including Proposition 22 of 2010, Proposition 1A of 2004, and Article XI, Section 15; and

WHEREAS the increasing use of non-transparent procedures to pass bills through in the legislative session's final days and hours is being roundly criticized as promoting the agenda of special interests rather than the interests of all taxpayers or the cause of open and public government; and

WHEREAS, actions by the Legislature that avoid opportunities for the public to review and comment on pending legislation undermine representative government, create the perception of favors being granted to special interests, and further reduce public confidence in the institution; and

WHEREAS, the loss of public confidence in the legislature was documented in the Field Poll published on Tuesday, September 20, 2011 which revealed that only 20% of registered voters approved of the job being done by the California State Legislature, and 65% disapproved; and

WHEREAS, given the size of our state, the diversity of its population, the remoteness of the Capitol from most of the state's residents, and the potential of state legislation to have widespread impact, there is a need for even broader public notice on pending legislative actions. Now, therefore, be it:

RESOLVED, by the General Assembly of the League of California Cities, assembled in Annual Conference in San Francisco, September 23, 2011, that the Legislature repeal the provisions of SB 89 which took \$130 million from affected cities without public notice or opportunity to be heard; and

BE IT FURTHER RESOLVED, that the California Legislature adopt and forward to the people at the next general election a Constitutional Amendment to increase the transparency of the legislative process and promote public access to ensure that all California residents have a reasonable opportunity to :

- 1) Read a printed copy of all pending legislation before it is eligible for a legislative vote;
- 2) Be provided with reasonable time to digest the potential impacts of the legislation and communicate support, opposition or concerns to their legislators, so that legislators have an opportunity to understand the potential impacts of legislation before voting; and
- 3) That any public notice requirements adopted by the Legislature prior to acting shall not be less than the public notice requirements imposed by the legislature upon local and state agencies.

////////

8. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE GOVERNOR AND LEGISLATURE TO FULLY FUND AND CONSTITUTIONALLY PROTECT THOSE FUNDS RELATED TO THE 2011 CORRECTIONS REALIGNMENT, ALSO KNOWN AS AB 109 AND AB 117

Source: City of Glendora

THE LEAGUE OF CALIFORNIA CITIES DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, The Governor proposed a realignment of public safety tasks to local government as a way to address certain judicial orders dealing with State prison overcrowding and reduce State expenditures; and

WHEREAS, The Governor stated that such a realignment needed to be fully funded with constitutionally protected source of funds if it were to succeed; and

WHEREAS, The Legislature passed AB 109 and AB 117 and the Governor signed into law the realignment of corrections responsibility without full funds, Constitutional protections, without sufficient liability protections to local agencies, and with an inadequate definition of crimes handled under the mandatory local housing program; and

WHEREAS, The Corrections Realignment Statutes AB 109 (Chapter 15, Statutes of 2011) and AB 117 (Chapter 16, Statutes of 2011) were reviewed by the League's Committee on Public Safety in July which issued an "opposed unless amended" recommendation if these issues and others were not properly addressed; and

WHEREAS, Los Angeles County officials, for example, have indicated that State funding at this time is approximately 50% of what is needed; that they have inadequate personnel to properly supervise parolee's; they have inadequate bed space to house convicted persons which will lead to a large number of these persons being early released, non-supervised and involved in additional crimes in our local cities; and there are inadequate data bases to share critical public safety information on parolees and persons on probation with local police departments; and

WHEREAS, Los Angeles County is symbolic of the same problems that other counties are facing in implementing AB 109 and AB 117 by October 1, 2011; that this is critical public safety issue for all cities within California; and

WHEREAS, the criminal justice system has seen a "60-year" low in crime rates that have protected our residents, saved millions to our economy in loss property, damaged property, lower insured losses and lost productivity. The Corrections Realignment threatens to severely erode those gains and further impact our fragile California economy.

RESOLVED that the General Assembly of the League of California Cities calls upon the Governor and State Legislature to immediately fully fund the implementation of the Corrections Realignment AB 109 and AB 117, including local municipal police department needs, with Constitutional protection of that funding;

RESOLVED that the General Assembly of the League of California Cities calls upon the State Legislature to provide for greater representation of city officials on the local Community Corrections Partnerships. Currently, AB 109 provides for one city official (a police chief) on the 13 member body.

//////////

APPROVED 2010 ANNUAL CONFERENCE RESOLUTIONS IMPLEMENTATION REPORT

No.	Title	Required Action	Status
1.	League Bylaws Amendment	The League will make the specified changes to the League bylaws by amending sections indicated in Resolution number 1.	The League's bylaws amendments have been incorporated into League procedures as they come up throughout the year.
2.	Relating to the National <i>Let's Move!</i> Campaign	<ol style="list-style-type: none"> 1. The League will encourage cities to adopt preventative measures to fight obesity as set forth in the <i>Let's Move!</i> Campaign 2. California cities be encouraged to sign up the <i>Let's Move!</i> 3. California cities be encouraged to: <ol style="list-style-type: none"> a. help parents make healthy family choices; b. create healthy schools; c. provide access to healthy and affordable foods; and d. promote physical activity. 4. Cities are encouraged to involve youth, especially middle and high school students, with city health-related programs. 	<p>The League was the first municipal association nationwide to join the <i>Let's Move!</i> Campaign in September 2010. In addition, League policy committees and departments received briefings on successful local programs and statewide programs to help fight obesity.</p> <p>Finally, articles about healthy communities, <i>Let's Move!</i> and successful local programs were highlighted in both City Advocate Weekly and Western City over the course of the last year.</p>
3.	Relating to Unfunded Mandates	<ol style="list-style-type: none"> 1. The League will work with its member cities and other local government partners to identify situations in which local governments must increase fees or taxes to meet state mandated requirements. 2. The League will work with the applicable state and federal regulatory agencies through the League's policy making process, and the National League of Cities, to develop reasonably achievable, environmentally sound and cost-effective policy based on monitoring and sound science and addressing local water conditions and the fiscal condition of the local government. 3. The League will review and consider supporting through its policy committee process legislation to suspend, eliminate, or otherwise modify the negative impacts of state mandates on local agencies, particularly in which a new local tax or fee increase is necessary to implement the mandate. 	The League participated in a number of meetings and strongly supported legislation to work on making more practicable local water quality requirements. This included early legislation by Assemblyman Cameron Smyth as well as work before the State Water Resources Control Board fighting significant increases in NPDES wastewater and storm water fees and industrial and Phase II MS4 NPDES permit updates.
6.	Enhancing Public Safety	The League will encourage cities to promote safe driving across California and the education of the general public about the dangers of texting while driving.	League staff identified and studied state legislative proposals related to texting while driving but ultimately took no action as they did not promote or impede a city's ability to educate the public about the dangers of texting while driving. The League also made available information on the study by the Pacific Policy Institute of California, "What to Expect from California's New Hands-Free Law," related to using a mobile phone while driving, as requested.