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***FINAL REPORT
RESOLUTIONS APPROVED***

114th Annual Conference



***San Diego
September 7, 2012***

FINAL REPORT ON RESOLUTIONS
September 2012

The 2012 League of California Cities Annual conference was held September 4- 7, 2012, in San Diego. On Wednesday, September 5, three League policy committees met and considered the resolutions that were assigned to them.

The General Resolutions Committee met on Thursday, September 6, 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 7. Those resolutions are numbered 1, 2 and 5. Also included in this packet, on page XX, is a status report on the implementation of the resolutions approved at last year's 2011 Annual Conference. Not included in this packet are the resolutions numbered 3 and 4 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		

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
3	Desert Protection Act	D	D	-
4	Global Warming	D	D	-

PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
♦1	Fines and Forfeitures	A	A	A
2	Internet Crimes Against Children	Aa	A	A
5	Emergency Management Mission for California Cities	Aa	A	A

REVENUE AND TAXATION POLICY COMMITTEE

		1	2	3
♦1	Fines and Forfeitures	Aa	-	-

Please note: The following committees did *not* meet at the annual conference to hear a resolution: Administrative Services; Community Services; Housing, Community & Economic Development; Employee Relations; and, Transportation, Communication & Public Works.

Information pertaining to the Annual Conference Resolutions is posted on each committee's page on the League website: www.cacities.org. The entire Resolutions Packet is also posted at: www.cacities.org/resolutions.

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 2012 ANNUAL CONFERENCE RESOLUTIONS

- 1. A RESOLUTION CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENACT LEGISLATION THAT WOULD CORRECT INEFFICIENCIES IN THE AUDIT SYSTEM, DISTRIBUTION SYSTEM AND INEQUITIES IN THE FORMULAS FOR DISTRIBUTING COURT ORDERED ARREST AND CITATION FINES, FEES AND ASSESSMENTS GENERATED BY LOCAL GOVERNMENT.**

Source: City of Glendora

Referred to: Public Safety and Revenue & Taxation Policy Committees

WHEREAS, the primary purpose of criminal and traffic laws is to improve safety for the public, where the cost involved to implement enforcement falls primarily upon local law enforcement agencies throughout the State; and

WHEREAS, if State laws are to be effectively enforced then local cities must have a fair revenue structure to pay the cost of making arrests and issuing citations for criminal and traffic violators; and

WHEREAS, the significant inequity in the amount cities receive in relation to the full cost of a citation and/or arrest results in an unfair distribution of revenue to cities that are generated by court fines, fees, surcharges, penalties and assessments levied on offenders; and

WHEREAS, the current inefficiencies in the system makes it practically impossible for cities to insure transparency and effectively audit, administer and manage public funds that are generated by cities and distributed by the State and County; and

WHEREAS, to adequately protect and serve the public during this time of declining revenue and deteriorating services the inequities in the system needs to be changed; and

WHEREAS, court-ordered debt collection and revenue distribution is a complex system where there are few audits, if ever, done to determine if cities are receiving their fair share of disbursements; and

WHEREAS, once a debt has been collected, in whole or in part, distributing the money is not simple as there are over 150 ways collection entities are required to distribute revenue collected from traffic and criminal court debts. Depending on the fine, fee, surcharge or penalty assessment imposed by the court has more than 3,100 separate court fines, fees, surcharges, penalties and assessments levied on offenders that appear in statutes spanning 27 different state code sections; and

WHEREAS, the current system makes it practically impossible for cities to effectively administer and manage public funds that are generated by cities. Because of the complex system cities cannot determine if they are receiving their fair share of the fines collected; and

WHEREAS, Counties and the State have statutory responsibility and power to conduct their audits, while cities do not currently have clear legal standing to demand access to court records for purposes of conducting audits in a thorough and transparent manner which further shrouds the understanding of when and how revenue is distributed; and

WHEREAS, in December 2011 at the request of the Glendora Police Department the Los Angeles Superior Court conducted a sample audit of 15 Glendora Police Department-issued citations from 2010. The results of the sample audit revealed the City of Glendora received about 12% (\$253)

of the \$2,063 in paid fines for the 12 of the 15 citations submitted. Three (3) of the citations in the audit were sent to collection or warrants. Based on those results, the city received an average of \$21, while the State and County received an average of \$172 for each of the 12 citations. The percentage breakdown for the city was 12.25% as compared to the State and County's share of 86.75%; and

WHEREAS, issuing a typical vehicle code violation citation can involve up to an hour of the issuing officer's time and the time of a records clerk tasked with entering citations into the database costing approximately \$82 per hour. If the citation is challenged the cost increases another \$135 to cover the cost of court time and handling of the notices associated with such an appeal. Therefore, the cost incurred to issue a citation currently is between \$82 and \$217, while the sample audit reveals the city is receiving about \$21 in cost recovery; and

WHEREAS, officials with Superior Court openly admit that similar results would be expected for almost every jurisdiction in the State issuing citations due to the complexity and "Priority of Distribution" they must follow from the State of California. "Priority Distribution" is triggered when a court reduces a fine for a citation. This process prohibits Judges from reducing penalty assessments and thus the only discretion Judges have in reducing fines, fees and costs is to reduce the base fine, or city portion, of the total fine. This process has a significant impact on the amount of money cities issuing the citation will receive. Rarely is the reduction in the fine taken from other stakeholders. Cities are one of the lowest priorities on the distribution list and often find themselves receiving significantly less share-or no share after deducting State and County fees and surcharges; and now there let it be

RESOLVED by the General Assembly of the League of California Cities, assembled in San Diego on September 7, 2012, that the League of California Cities calls upon the State Legislature and Governor to:

1. Create an efficient system to provide cities with a clear authority to audit the distribution of fines, fees, assessments and administrative costs for criminal and traffic violations;
2. Enact legislation that changes the "Priority Distribution" mandate so cities receive the total cost of issuing, processing and testifying in court on criminal cases and traffic violations; and
3. That any reduction in fines, fees, assessments or costs should be equally distributed from the total fine imposed, not just from the city base fine.

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2. **RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES RAISING PUBLIC AWARENESS AND SUPPORTING TOUGHER LAWS RELATED TO INTERNET CRIMES AGAINST CHILDREN**

Source: San Diego County Division
Referred To: Public Safety Policy Committee

WHEREAS, technology has brought significant changes to our society over the past two decades, many of which have had a positive effect on our quality of life while some have threatened the safety and well- being of our young children; and

WHEREAS, the internet has made victimization of children easier than ever before; and

WHEREAS, the internet has also significantly increased the availability of child pornography, with more than 6.5 million images being shared via the internet , compared to only a few hundred photos less than a generation ago; and

WHEREAS, some see viewing child pornography as a “victimless crime,” however these images are never completely eradicated from the internet and the victims continue to have their horrific photos viewed over and over again by pedophiles for sexual gratification; and

WHEREAS, in 2007 the National Center for Missing and Exploited Children reported it had identified 9.6 million images and videos of child pornography and believed there were millions more not identified; and

WHEREAS, in the 2006 Butner Redux Study, 98 percent of convicted child pornographers had molested children before their capture; and

WHEREAS, the United States is the number one producer and consumer of child pornography in the world, with more than 624,000 child pornography users identified nationwide.

NOW THEREFORE BE IT RESOLVED by the General Assembly of the League of California Cities assembled at the Annual Conference in San Diego, September 7, 2012, that the League of California Cities:

1. Desires to increase public awareness and educate others about the critical issue of internet crimes against children statewide.
2. Will advocate for the State Legislature to adopt tougher laws for child pornographers that use the internet or online tools in the commission of their crime.
3. Will also advocate for additional and more permanent funding for Internet Crimes Against Children Task Forces (ICAC) statewide.

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5. A RESOLUTION CALLING FOR THE PROMOTION OF DISASTER RESILIENT CALIFORNIA CITIES

Source: League Public Safety Policy Committee
Referred To: Public Safety Policy Committee

WHEREAS, emergency management is a basic responsibility of city government and a fundamental duty of all city employees; and

WHEREAS, prepared, disaster resilient communities save lives, prevent injuries, protect property, promote economic stability, and rapid recovery; and

WHEREAS, employees who have a family plan and supplies will be more likely to stay at work or come to work after an emergency incident; and

WHEREAS, the National Incident Management System (NIMS) provides guidelines and requirements to ensure a national coordinated emergency response system, including training requirements; and

WHEREAS, the Standardized Emergency Management System (SEMS) provides the foundation for California cities to ensure a state-wide coordinated, standardized emergency response system. SEMS is intended to be flexible and adaptable to the needs of all emergency responders in California; and

WHEREAS, emergency managers are responsible for promoting and encouraging personal, family and community preparedness and readiness. It is critical to focus on and support public education and training to ensure that the public understands that government entities may need time to recover from disaster situations, and to spread the message that disaster resilience, or the ability to recover from a disaster situation, requires participation from the whole community; and

WHEREAS, The League of California Cities (League) recognizes that cities, counties and the state do not have the reserves to support residents with food, water, and other necessary supplies after an "emergency event". Now, therefore let it be

RESOLVED, at the League General Assembly, assembled at the League Annual Conference on September 7, 2012, in San Diego, that the League encourages cities to actively engage in disaster resilience activities including but not limited to:

- 1) Developing and implementing employee and resident emergency preparedness plans.
- 2) Promoting emergency family plans that emphasize self reliance for food and water supplies.

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APPROVED 2011 ANNUAL CONFERENCE RESOLUTIONS IMPLEMENTATION REPORT

No.	Title	Required Action	Status
1.	<p>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</p>	<p>The League will:</p> <ol style="list-style-type: none"> 1. Enhance current public noticing requirements by communicating with the public using innovative, technologically friendly methods of communication. 2. Support alternative methods of meeting public notice requirements 3. 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 legislation that would adopt revisions to the California Government Code recognizing alternative methods as a means to meeting public notice requirements. 5. Support cities communicating with the public using innovative, enhanced methods of communication. 	<p>League standing policy now reflects the League's support for enhancing current noticing requirements by communicating with the public using innovative, technologically friendly methods of communication.</p> <p>Prior to this resolution, the League supported similar efforts to allow for more innovative ways of communicating with the public and adhering to publishing and noticing requirements. In 2009, the League and the City Clerks Association of California together sponsored Assembly Bill 715 authored by Assembly Member Anna Caballero. This bill would have allowed public agencies to publish adopted ordinances on their Internet websites in lieu of publishing them in a newspaper. The measure was ultimately defeated, particularly because of the widespread opposition from newspaper publishers. However, since this measure was taken up roughly two years ago there has been a growing interest nationally to authorize public agencies to meet publishing notice requirements in innovative, technologically friendly ways. While there seems to be a growing trend in this area, it is tough to say whether the time is right in California. However, the League remains interested in pursuing this issue legislatively, but our efforts will only be successful with the right political environment which we continue to assess for its readiness on this issue.</p>
3.	<p>Raising Public Awareness about the Imminent Health and Safety Concerns for Bullied Children</p>	<ol style="list-style-type: none"> 1. The League will encourage 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. 2. The League will forward this resolution on to the CCS (Cities, Counties, Schools) partnership for consideration at their next meeting to help promote anti-bullying efforts throughout California. 	<p>League standing policy now reflects the promotion of anti-bullying efforts across California and the need to improve public awareness about the imminent health and safety concerns for bullied children. The League monitored and took action as appropriate on legislation related to this issue area.</p> <p>The 2012 Annual Conference planning committee accepted the session "Bullying and Municipal" that featured cities that formed jointed ventures with school districts and local health services to create "bullying-free communities."</p> <p>In addition, the resolution was forwarded to the CCS Partnership to be reviewed by their staff and Board as possible action area. Because the priorities for 2012 were previously set at the time this resolution was forwarded, anti-bullying activities may be considered next year as part of the Community Schools project.</p>

7.	<p>Improved Transparency in and Public Access to the Proceedings of the California Legislature</p>		<p>The League worked with Senator Sam Blakeslee during the 2012 Session to draft a proposed Senate Constitutional Amendment that would improve the transparency of the legislative process. The Senator, who is termed out, opted not introduce the measure, but the League retains the work product and can work with other interested legislators on this matter in the future.</p> <p>Shortly following the adoption of the resolution by the League, the concept of having a three-day print rule was picked up in Proposition 31, the measure scheduled for the November ballot sponsored by California Forward. Should that measure be approved, these transparency provisions will apply.</p>
8.	<p>Call Upon the Governor and Legislature to Fully fund and Constitutionally Protect those Funds Related to the 2011 Corrections Realignment (AB 109 and AB 117)</p>	<ol style="list-style-type: none"> 1. The League will call 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. 2. The League will call upon the State Legislature to provide for greater representation of city officials on the local community Corrections Partnerships. 	<p>The League analyzed legislation and ballot measures that would provide constitutional protections for realignment funding, including those sponsored by the California State Association of Counties and Governor Jerry Brown. The League Board took "no position" on the Governor Brown's measure, The Schools and Local Public Safety Protection Act of 2012 (Proposition 30), that would have increased sales and income tax levels and give constitutional protection to realignment funding levels.</p> <p>The FY 2012-13 Budget included \$20 million for frontline police activities. These are subject to the "trigger cuts" also provided in the FY 2012-13 budget. The League established key contacts at the Board of State and Community Corrections, who are charged with developing the grant eligibility and criteria, in collaboration with the Department of Finance, and continues to monitor development of the possible frontline police grants.</p> <p>The League opposed Assembly Bill 2031 (Fuentes) that would change the membership of the local Community Corrections Partnerships and state Board of State and Community Corrections to include rank-and-file county sheriff, probation, and social service providers, further diluting the voice of cities on the local and statewide board. This measure is currently on the Governor's Desk.</p>

