



***FINAL REPORT
RESOLUTIONS APPROVED***



112th Annual Conference

***San Diego
September 15-17, 2010***

FINAL REPORT ON RESOLUTIONS

September 2010

The 2010 League of California Cities Annual Conference was held September 15-17, 2010, in San Diego. On Wednesday, September 15, six League policy committees considered the resolutions that were assigned to them. More than one committee considered the resolutions numbered as 3 and 4. All six resolutions were included in the original Resolutions Packet dated July 29, 2010.

The General Resolutions Committee met on Thursday, September 16, and considered the six 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 Resolutions Committee.

The resolutions contained in this packet are only those that were approved by the General Assembly on September 17. Those resolutions are numbered 1, 2, 5 and 6. Also included in this packet is a status report on the implementation of the resolutions approved at last year's 2009 Annual Conference (pages 11-12). Not included in this packet are the resolutions numbered 3 and 4, which were disapproved.

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. Please note that two resolutions have been assigned to more than one committee. These resolutions are noted by this sign (◆).

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	League Bylaws Amendment	A	A	A

COMMUNITY SERVICES POLICY COMMITTEE

		1	2	3
2	Let's Move Campaign	Aa	A	A

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
◆3	AB32/ SB 375	D	D	D

HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT POLICY COMMITTEE

		1	2	3
◆3	AB32/ SB 375	Aa	D	D
◆4	Responsible Banking	D,R	D,R	-

REVENUE AND TAXATION POLICY COMMITTEE

		1	2	3
◆3	AB32/ SB 375	Aa	D	D
◆4	Responsible Banking	D,R	D,R	-
5	Unfunded State Mandates	Aa	A	A

TRANSPORTATION, COMMUNICATION & PUBLIC WORKS POLICY COMMITTEE

		1	2	3
◆3	AB32/ SB 375	Aa	D	D
6	Enhancing Public Safety	A	A	A

NOTE: No resolutions were assigned to these policy committees: Employee Relations and Public Safety.

There were no petitioned resolutions this year.

KEY TO ACTIONS TAKEN ON RESOLUTIONS (*Continued*)

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 |
| W | Withdrawn by Sponsor |

*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 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 separate consent calendar for consideration by the General Assembly. The consent calendar 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.

APPROVED 2010 ANNUAL CONFERENCE RESOLUTIONS

1. RESOLUTION RELATING TO LEAGUE BYLAWS AMENDMENTS

(2/3 vote at General Assembly required to approve)

Source: League Board of Director

Referred to: Administrative Services Policy Committee

WHEREAS, The League of California Cities is a nonprofit mutual benefit corporation under California law, and, as such, is governed by corporate bylaws; and

WHEREAS, the League's Board of Directors periodically reviews the League's bylaws for issues of clarity, practicality, compliance with current laws, and responsiveness to membership interests; and

WHEREAS, the League's Board of Directors convened a Bylaws Review Committee to make recommendations regarding various necessary amendments to ensure that the most qualified and committed city officials are selected to serve on the League's Board, policy committees and other leadership positions, representing a broad diversity of backgrounds, experience, abilities, geography and other factors, and that any barriers to their selection are removed; and

WHEREAS, the Board of Directors approved the Bylaws Review Committee's recommendations that identified amendments to the bylaws that: a) encourage all segments of League membership to pursue leadership positions within the League to advance the goal that the League Board of Directors reflects the diverse ethnic and social fabric of California; b) clarify the League Board's nomination procedures and expand Board membership by four positions; and c) provide guidance to avoid conflicts of interest for Board and policy committee members with the expectation that decisions should be in the best overall interests of cities statewide; and

WHEREAS, the League's Board offers amendments and additions to the following sections of the bylaws for the membership's consideration:

1. Article VII, Section 1; new subsection 1(b): Board Diversity Policy, Board of Directors
2. Article VII, Section 2 (c), (f): Composition, Board of Directors
3. Article VII, Section 5 (d): Nomination Process, Board of Directors
4. Article XIV, Section 1, new section: Conflicts of Interest
5. Article XIV, Section 4, new section: Ethical Considerations;

now, therefore, be it

RESOLVED, by the General Assembly of the League of California Cities assembled during the Annual Conference in San Diego, September 17, 2010, that the League make the specified changes to the League bylaws by amending the above-referenced sections as indicated on Attachment A.

[NOTE: Please see ATTACHMENT A — Approved bylaws changes.]

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ATTACHMENT A
Approved Changes to League Bylaws - Proposed by Resolution 1

(Changes indicated by **bold Italics** and underlining)

Article VII: Board of Directors

Section 1: Role and Powers; Board Diversity Policy

(a) Subject to the provisions and limitations of the California Nonprofit Corporation Law, any other applicable laws, and the provisions of these bylaws, the League's activities and affairs are exercised by or under the direction of the League's control and direction of the League. The League Board may delegate the management of the League's affairs to any person or group, including a committee, provided the League Board retains ultimate responsibility for the actions of such person or group.

(b) *The goal of the League is to ensure that the Board of Directors reflects the diverse ethnic and social fabric of California. As such, each Division, Department, Caucus, and Policy Committee should encourage and support members of every race, ethnicity, gender, age, sexual orientation and heritage to seek leadership positions within the League, with the ultimate goal of achieving membership on the Board of Directors.*

Article VII: Board of Directors

Section 2: Composition.

The League's Board is composed of the following:

- (a) A President, First Vice-President and Second Vice-President/Treasurer, who each serve a term of one year;
- (b) The Immediate Past President who serves for a term of one year, immediately succeeding his or her term as President;
- (c) Twelve ~~Ten~~ Directors-at-Large,
 - (i) Who serve staggered two-year terms, and
 - (ii) At least one of whom is a representative of a small city with a population of 10,000 or less.
- (d) One Director to be elected from each of the regional divisions and functional departments of the League, each of whom serves for a term of two years;
- (e) Members of the National League of Cities Board of Directors who hold an office in a Member City; and
- (f) ~~Eight~~ Ten Directors that may be designated by the mayors of each of the ~~eight~~ ten largest cities in California to serve two-year terms.

- (g) For purposes of this section, the population of each city is the most current population as determined by the California Department of Finance, Demographic Research Unit, or its successor agency or unit. If no successor agency or unit is named, the most current population used to determine these dues shall be used to determine future dues until such time as these bylaws are amended to designate a new source for determining city population.
- (h) Directors hold office until their successors are elected and qualified or, if they sit on the League Board by virtue of their membership on the National League of Cities Board of Directors, until their terms on the National League of Cities Board of Directors conclude.

Article VII: Board of Directors

Section 5: Nomination Process.

- (d) **Candidates for Positions Ineligible.** Candidates for officer and at-large positions on the League Board are not eligible to serve on the nominating committee. In the event a regional division representative on the nominating committee wishes to be a candidate for an officer or at-large position, the League President will appoint a substitute nominating committee member from the same regional division, if available. If one is not available, the President shall appoint a substitute from a nearby regional division.

Article XIV: Prohibited Transactions

Section 1: Conflicts of Interest

General Principle. Members of the League board as well as members of League policy committees, and members of any standing or ad hoc committees and task forces consisting of members of the League board or League policy committees, are expected to make decisions in the best overall interests of cities statewide, as opposed to narrow parochial, personal, or financial interests. This is analogous to city officials being expected to make decisions in the best overall interests of the community as opposed to narrow private or self-interests.

Section 2. Loans.

Except as permitted by California Nonprofit Corporation Law, the League may not make any loan of money or property to, or guarantee the obligation of, any director or officer. This prohibition does not prohibit the League from advancing funds to a League director or officer for expenses reasonably anticipated to be incurred in performance of their duties as an officer or director, so long as such individual would be entitled to be reimbursed for such expenses under League Board policies absent that advance.

Section 3: Self-Dealing and Common Directorship Transactions.

- (a) **Self-Dealing Transactions.** A self-dealing transaction is a transaction to which the League is a party and in which one or more of its directors has a material financial interest.
- (b) **Common Directorships.** “Common directorships” occur when the League enters into a transaction with an organization in which one of the League directors also serves on the organization’s board.

- (c) **Pre-Transaction Approval.** To approve a transaction involving either self-dealing or a common directorship, the League Board shall determine, before the transaction, that,
- (i) The League is entering into the transaction for its own benefit;
 - (ii) The transaction is fair and reasonable to the League at the time; and
 - (iii) After reasonable investigation, the League Board determines that it could not have obtained a more advantageous arrangement with reasonable effort under the circumstances.

Such determinations shall be made by the League Board in good faith, with knowledge of the material facts concerning the transaction and the director's interest in the transaction, without counting the vote of the interested director or directors.

- (d) **Post-Transaction Approval.** When it is not reasonably practicable to obtain Board approval before entering into such transactions, a Board committee may approve such transaction in a manner consistent with the requirements in the preceding paragraph, provided that, at its next meeting, the full Board determines in good faith that the League Board committee's approval of the transaction was consistent with such requirements and that it was not reasonably practical to obtain advance approval by the full Board, and ratifies the transaction by a majority of the directors then in office without the vote of any interested director.¹

Section 4: Ethical Considerations.

These restrictions, of course, represent the floor not the ceiling for ethical conduct as a League board member or policy committee member. If a board member or policy committee member believes that there are circumstances under which the League's members might reasonably question the board member's or policy committee member's ability to act solely in the best interests in the League and its member cities, the prudent course is to abstain. As an example, typically, League board members have abstained from participating in decisions on legislation that would affect organizations for which they work. Another example is legislation that would uniquely benefit a board member's city. Policy committee members should also consider abstaining in similar circumstances.

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2. RESOLUTION RELATING TO THE NATIONAL LET'S MOVE CAMPAIGN

Source: League Board of Directors
Referred to: Community Services Policy Committee

WHEREAS, the League supports policies that focus on health and wellness, continuing education, and healthier lifestyles in all communities; and

WHEREAS, many cities, counties, and schools have adopted policies, programs, and ordinances that promote healthy lifestyles by making their communities walkable, promoting youth and senior

¹ See Cal. Corp. Code § 7233 (specifying under what circumstances a self-dealing transaction is void or voidable).

activities, eliminating the sale of junk food in city, county, or school facilities, providing incentives for stores that sell fresh produce to locate in depressed neighborhoods, and providing exercise opportunities for their residents; and

WHEREAS, city officials believe there are important, long-term community benefits to be gained by encouraging healthy lifestyles, including a decrease in the rate of childhood obesity and its negative health-related impacts; and

WHEREAS, cities and other community partners can work together to understand the relationship between obesity, land-use policies, redevelopment, and community planning; and

WHEREAS, cities and other community partners can work together to ensure that there are safe places for their residents to be active such as in parks, ball fields, pools, gyms, and recreation centers; and

WHEREAS, access to healthy foods has a direct impact on the overall health of our community and planning for fresh food, open space, sidewalks, and parks should be a priority; and

WHEREAS, the League has partnered with the Healthy Eating Active Living (HEAL) Cities Campaign to provide training and technical assistance to help city officials adopt policies that improve their communities' physical activity and retail food environments; and

WHEREAS, the League wants to partner with and support the *Let's Move!* Campaign headed by the First Lady of the United States, the President's Task Force on Childhood Obesity and the Secretary of Health and Human Services, in an effort to solve the challenge of childhood obesity within a generation; now, therefore, be it

RESOLVED, by the General Assembly of the League of California Cities, assembled during the Annual Conference in San Diego, September 17, 2010, that the League encourages the existing 480 California cities to adopt preventative measures to fight obesity as set forth by the First Lady of the United States of America in the *Let's Move* campaign; and, be it further

RESOLVED, that California cities be encouraged to sign-up with the United States Department of Health and Human Services – Region IX office as a *Let's Move!* City; and, be it further

RESOLVED, that California cities are encouraged to: (1) help parents make healthy family choices; (2) create healthy schools; (3) provide access to healthy and affordable foods; and (4) promote physical activity; and, be it further

RESOLVED, that cities are encouraged to involve youth, especially middle and high school students, with city health-related programs.

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5. RESOLUTION RELATING TO UNFUNDED STATE-MANDATES

Source: City of Santa Clarita

Referred to: Revenue and Taxation Policy Committee

WHEREAS, unfunded mandates imposed upon local governments, including cities, counties and special districts, by the State of California place a tremendous financial burden upon local governments; and

WHEREAS, some of the mandates placed upon local governments are the result of actions by Boards and Commissions not directly accountable to the electorate; and

WHEREAS, the State of California and many local governments within the state are under financial duress due to the continuing national economic crisis, and

WHEREAS, approximately twelve percent of Californians, are currently unemployed and struggling to pay for basic life necessities, well above the national average; and

WHEREAS, mandates enacted by the State of California may result in the need for local agencies to increase fees or taxes to satisfy the requirements of the mandate; and

WHEREAS, as cited in a 2005 report on state mandates published by the League of California Cities, the original intent of Property Tax Relief Act of 1972, which established the concept of state reimbursement of local agencies for state mandated activities, was to limit the ability of local agencies to levy taxes; and

WHEREAS, in 1979 the voters of the State of California approved Proposition 4 adding Article XIII B to the California Constitution, requiring the state to provide a subvention of funds to local governments for costs associated with state mandated programs, under specified conditions, and through subsequent legislation creating the Commission on State Mandates; and

WHEREAS, in 2004, the voters of the State of California adopted Proposition 1A expanding the constitutional protections for local governments regarding state mandates; and

WHEREAS, the State of California has struggled to balance its budget for the past several years and has chosen to borrow funds from local governments, thus reducing traditional revenues to local governments, forcing additional local program and service reductions and cutbacks; and

WHEREAS, various federal and state laws and regulations may result in the imposition of state mandates on local governments; and

WHEREAS, an example of state imposed mandates are the establishment of Total Maximum Daily Loads (TMDL's) for such things as bacteria, chloride, metals, and toxicity; and

WHEREAS, for example, in order to meet the obligations imposed by Regional Water Quality Control Boards (RWQCB) throughout California, local agencies may need to implement or increase fees and taxes to pay for new programs or facilities, in order to avoid penalties for non-compliance; now, therefore be it

RESOLVED, by the General Assembly of the League of California Cities, assembled during the Annual Conference in San Diego, September 17, 2010, that:

1. The League of California Cities 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 of California Cities reaffirms its historic stance that anytime the state imposes a new duty, responsibility, or obligation on local government it must provide an adequate source of funding to accompany the action, and not presume that the new duty, responsibility, or obligation can be covered by a new local fee, assessment, or tax.
3. That the League of California Cities 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.

4. That the League of California Cities 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.

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6. RESOLUTION RELATED TO ENHANCING PUBLIC SAFETY WHILE DRIVING A MOTOR VEHICLE

Source: City of Elk Grove

Referred to: Transportation, Communication & Public Works Policy Committee

WHEREAS, cities throughout the State of California hold the health and safety of their residents as a paramount concern; and

WHEREAS, the use of text messages has grown exponentially in recent years; and

WHEREAS, any time a driver attempts to send an electronic text message while driving, his or her attention is diverted from the road; and

WHEREAS, a recent Virginia Tech study showed sending electronic text messages while driving makes an accident 23 times more likely; and

WHEREAS, a study conducted by The Transport Research Laboratory in the United Kingdom showed that sending text messages while driving is riskier than driving under the influence of alcohol or drugs; and

WHEREAS, Senate Bill 28 and California Vehicle Code Section 23123.5 ban writing, sending, or reading electronic text messages while operating a motor vehicle in the state of California; and

WHEREAS, the League supports this type of traffic safety enhancement as demonstrated through their support of motorcycle helmets, child restraints, seat belt and speed limit laws; now, therefore, be it

RESOLVED, by the General Assembly of the League of California Cities, assembled during the Annual Conference in San Diego, September 17, 2010, that the League encourages cities to promote safe driving across California and the education of the general public about the dangers of texting while driving.

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APPROVED 2009 ANNUAL CONFERENCE RESOLUTIONS IMPLEMENTATION REPORT

Res#	Title	Required Action	Status
Public Safety Policy Committee			
1	Social Host Liability	<ul style="list-style-type: none"> • League to support local policies that hold social hosts responsible for underage drinking that occurs on property under their possession, control, or authority. • League to oppose policy that makes it easy for those who are underage to access alcohol through adults, and on private property. 	League staff identified and studied state legislative proposals related to underage drinking and social host liability. No official positions were taken on the legislation as they did not impact local control, nor reduce liability for adults provided access to alcohol.
Qualified Initiated Resolutions			
3	Constitutional Protection of Local Government Revenues	<ol style="list-style-type: none"> 1) That the League of California Cities strongly support further constitutional protections against future efforts by the California legislature and the governor to divert, reallocate, borrow, redistribute, or steal revenues that have historically funded local government services including, but not limited to, property tax funds, the local share of gas tax (HUTA) funds, the local government and mass transit shares of gasoline sales tax funds, redevelopment property tax increment, utility users tax, business license tax, and transient occupancy tax; 2) That the League's board of directors is hereby authorized to take any and all necessary steps to evaluate and, if feasible, seek voter approval of a ballot measure to provide such protections; 3) That the League's board of directors is urged to work with our sister associations that represent counties, special districts, redevelopment agencies, transit agencies, schools and other groups with an interest in protecting the revenues of all local governments in order to pursue this goal; 4) That the assembled elected and appointed city officials of California, on behalf of the city residents they represent, hereby pledge that if the League board of directors votes to file an initiative to broadly protect local revenues, that they will devote their personal time to gather signatures, raise private funds, and help organize a statewide grassroots coalition to secure greater protection of local revenues for critical local government services; and 5) If and when the voters approve such a ballot measure, the League board of directors is authorized to vigorously defend the additional constitutional protections in the courts, if necessary. 	<p>The League has successfully worked, with other coalition partners to draft, circulate petitions for signatures, and qualify for the November ballot the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010 (Proposition 22).</p> <p>If approved by the voters, this measure will stop the state from raiding or borrowing for local public safety, transportation, transit and other essential local government services. It contains protections for various revenues, including:</p> <ul style="list-style-type: none"> • Locally levied taxes. • Redevelopment funds. • Transportation and transit revenues. • Local property taxes from future borrowing. <p>While drafting and qualifying this measure for the ballot is a great accomplishment, the task is by no means complete. There is a long way to go. Sufficient funds must be raised to effectively communicate with voters about the contents and benefits of this measure. In addition, the measure has attracted some opposition, the California Professional Firefighters and the California Teacher's Association, which may fund opposition campaigns.</p> <p>Nothing is easy. For Proposition 22 to win cities need to stay united and focused on our goal.</p>

Continued - Petitioned Resolutions

4	Opposition to Rule Modifications to Accommodate Southern California Edison Company's Initiative to Install Above-Ground Equipment	League to oppose rule modifications proposed by SCE Initiative and to urge CPUC to reject SCE's proposal.	<p>The League sent a letter to the California Public Utilities Commission (CPUC) on September 23, 2009 urging our opposition to Resolution E-4241. Southern California Edison (SCD) (I.D. 8841). A copy of the League's resolution was attached to the letter.</p> <p>In April, 2010 after many months of negotiations, for which the League was involved, the CPUC passed Resolution E-4329 to allow rule modifications that will only apply to private, new development and/or to change in use on private property.</p>
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