



***Policy Committee Recommendations
October 16, 2019***

2019 Annual Conference Resolutions



***Long Beach, California
October 16 – 18, 2019***

League of California Cities

Annual Conference – October 16-18– Long Beach

2019 GENERAL RESOLUTIONS COMMITTEE

October 17, 1:00 p.m., Hyatt Regency Long Beach

Chair: John F. Dunbar, Mayor, Yountville

Vice Chair: Cheryl Viegas-Walker, Council Member, El Centro

Parliamentarian: Roxanne Diaz, City Attorney, Hidden Hills and Indio

Allen, Walt, Council Member, Covina

Baber, William, Council Member, La Mesa

Barton, Gregory, Fire Chief, Beverly Hills Fire Dept.

Bellow, LaTanya, Human Resources Director, Berkeley

Bishop, Art, Council Member, Apple Valley

Brower, Damien, City Attorney, Brentwood

Chang, Bena, City Manager, San Jose

de la Rosa, Gloria, Council Member, Salinas

Dew, Pippin, Vice Mayor, Vallejo

Freeman, Joan, Mayor, Yreka

Garbarino, Rich, Vice Mayor, South Francisco

Garcia, Edgard, Mayor, El Centro

Garza, Juan, Mayor Pro Tem, Bellflower

Gomez, Greg, Mayor, Farmersville

Halliday, Barbara, Mayor, Hayward

Herbertson, Charles, Dir. of Pub. Wrks., Culver City

Hofbauer, Steve, Mayor, Palmdale

Horvath, Christian, Council Member, Redondo Beach

Krupa, Linda, Council Member, Hemet

Lamnin, Sara, Council Member, Hayward

Manos, Steve, Mayor, Lake Elsinore

Mattina, Stacey, Council Member, Lakeport

Mendez, Raul, City Manager, Hughson

Messner, Heidi, Council Member, Eureka

Mulheren, Maureen, Mayor, Ukiah

Murrell, Andrew, Finance Manager, San Francisco

Nelson, Eric, Planning Commissioner, Dana Point

O'Brien, Richard, Mayor, Riverbank

Sachs, Ed, Mayor, Mission Viejo

Schumacher, Cori, Council Member, Carlsbad

Scott, Kristine, Council Member, Rancho Cucamonga

Shah, Mariam, Mayor Pro Tem, Grover Beach

Slowey, Jeff, Vice Mayor, Citrus Heights

Smith, Stephanie, City Clerk, Murrieta

Sockman, Tod, Chief of Police, Galt

Swarthout, Lisa, Mayor, Grass Valley

Sylvester, Glenn, Vice Mayor, Daly City

Talamantes, Jess, Council Member, Burbank

Turner, Mireya, Council Member, Lakeport

Young Rigby, Amanda, Council Member, Vista

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
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1 - Policy Committee Recommendation to General Resolutions Committee
 2 – General Resolutions Committee
 3 - General Assembly

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
1	Amendment to Rule 20A	Ra		
2	Tijuana River Pollution	Aa		

TRANSPORTATION, COMMUNICATIONS & PUBLIC WORKS POLICY COMMITTEE

		1	2	3
1	Amendment to Rule 20A	Aa		

Information pertaining to the Annual Conference Resolutions will also be posted on each committee’s page on the League website: www.cacities.org. The entire Resolutions Packet will be 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

ACTION FOOTNOTES

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

Procedural Note:

The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: [Resolution Process](#).



John F. Dunbar
Mayor, Yountville
Chair, General Resolutions Committee
League of California Cities

RE: Report on Resolution No. 1 – Amendment to Rule 20A

Dear Mayor Dunbar:

The League of California Cities' Transportation, Communications, and Public Works Policy Committee has reviewed and made its recommendation on the resolution that was assigned to it by the President of the League and numbered as Resolution No. 1 in the 2019 Resolutions Packet.

For Resolution No. 1, **Amendment to Rule 20A**, the committee recommends the following action: **APPROVE AS AMENDED (Aa)**.

This report is hereby respectfully submitted.

Sincerely,

Lindsey Horvath
Council Member, West Hollywood

1. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING ON THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO AMEND RULE 20A TO ADD PROJECTS IN VERY HIGH FIRE HAZARD SEVERITY ZONES TO THE LIST OF ELIGIBILITY CRITERIA AND TO INCREASE FUNDING ALLOCATIONS FOR RULE 20A PROJECTS

Source: City of Rancho Palos Verdes

Concurrence of five or more cities/city officials: Cities: Hidden Hills; La Canada Flintridge; Laguna Beach; Lakeport; Malibu; Nevada City; Moorpark; Palos Verdes Estates; Rolling Hills; Rolling Hills Estates; Ventura

Referred to: Environmental Quality and Transportation, Communications and Public Works Policy Committees

WHEREAS, the California Public Utilities Commission regulates the undergrounding conversion of overhead utilities under Electric Tariff Rule 20 and;

WHEREAS, conversion projects deemed to have a public benefit are eligible to be funded by ratepayers under Rule 20A; and

WHEREAS, the criteria under Rule 20A largely restricts eligible projects to those along streets with high volumes of public traffic; and

WHEREAS, the cost of undergrounding projects that do not meet Rule 20A criteria is left mostly or entirely to property owners under other parts of Rule 20; and

WHEREAS, California is experiencing fire seasons of worsening severity; and

WHEREAS, undergrounding overhead utilities that can spark brush fires is an important tool in preventing them and offers a public benefit; and

WHEREAS, brush fires are not restricted to starting near streets with high volumes of public traffic; and

WHEREAS, some cities would like to use private firms to design, inspect and construct Rule 20A projects; and

WHEREAS, expanding Rule 20A criteria to ~~include Very high Fire Hazard Severity Zones would facilitate undergrounding projects that would help prevent fires, and~~ **expanding the Rule 20D program to all utility providers would help prevent fires; and**

WHEREAS, expanding Rule 20A criteria as described above and increasing funding allocations for new Rule 20A projects **and allowing excess funds to be transferred between cities** would lead to more undergrounding **projects that help prevent fires;** ~~in Very High Fire Hazard Severity Zones;~~ and now therefore let it be,

RESOLVED that the League of California Cities calls on the California Public Utilities Commission to amend Rule 20A to include projects ~~in Very High Fire Hazard Severity Zones~~ that help prevent fires to the list of criteria for eligibility, ~~and~~ to increase funding allocations for Rule 20A projects, to increase flexibility for cities utilizing Rule 20, and to expand the Rule 20D program to all utility providers.



October 17, 2019

John F. Dunbar
Mayor, Yountville
Chair, General Resolutions Committee
League of California Cities

RE: Report on Resolutions No. 1, Amendment to Rule 20A, and No. 2, International Transboundary Pollution Flows

Dear Mayor Dunbar:

The League of California Cities' Environmental Quality Policy Committee has reviewed and made its recommendations on the resolutions that were assigned to it by the President of the League and numbered as Resolutions No. 1 and No. 2 in the 2019 Resolutions Packet.

For Resolution No. 1, **Amendment to Rule 20A**, the committee recommends the following action: **REFER AS AMENDED TO APPROPRIATE POLICY COMMITTEE FOR STUDY (Ra)**. The Environmental Quality Policy committee adopted a motion to pass the resolution as amended and refer it to the Environmental Quality Policy Committee for further discussion in January 2020.

For Resolution No. 2, relating to **International Transboundary Pollution Flows**, the committee recommends the following action: **APPROVE as AMENDED (Aa)**.

This report is hereby respectfully submitted.

Sincerely,

Mireya Turner
Council Member, Lakeport

1. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING ON THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO AMEND RULE 20A TO ADD PROJECTS IN VERY HIGH FIRE HAZARD SEVERITY ZONES TO THE LIST OF ELIGIBILITY CRITERIA AND TO INCREASE FUNDING ALLOCATIONS FOR RULE 20A PROJECTS

Source: City of Rancho Palos Verdes

Concurrence of five or more cities/city officials

Cities: City of Hidden Hills, City of La Cañada Flintridge, City of Laguna Beach, City of Lakeport City of Malibu, City of Moorpark, City of Nevada City, City of Palos Verdes Estates, City of Rolling Hills Estates, City of Rolling Hills, City of Ventura

Referred to: Environmental Quality Policy Committee; Transportation, Communications, and Public Works Policy Committee

WHEREAS, the California Public Utilities Commission regulates the undergrounding conversion of overhead utilities under Electric Tariff Rule 20 and;

WHEREAS, conversion projects deemed to have a public benefit are eligible to be funded by ratepayers under Rule 20A; and

WHEREAS, the criteria under Rule 20A largely restricts eligible projects to those along streets with high volumes of public traffic; and

WHEREAS, the cost of undergrounding projects that do not meet Rule 20A criteria is left mostly or entirely to property owners under other parts of Rule 20; and

WHEREAS, California is experiencing fire seasons of worsening severity; and

WHEREAS, undergrounding overhead utilities that can spark brush fires is an important tool in preventing them and offers a public benefit; and

WHEREAS, brush fires are not restricted to starting near streets with high volumes of public traffic; and

WHEREAS, expanding Rule 20A criteria to include Very High Fire Hazard Severity Zones would facilitate undergrounding projects that would help prevent fires; and

WHEREAS, expanding Rule 20A criteria as described above and increasing funding allocations for Rule 20A projects would lead to more undergrounding in Very High Fire Hazard Severity Zones; and now therefore let it be,

RESOLVED that the League of California Cities calls on the California Public Utilities Commission to amend Rule 20A, **B, and C** to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility and to increase funding allocations for Rule 20A projects.

2. A RESOLUTION CALLING UPON THE FEDERAL AND STATE GOVERNMENTS TO ADDRESS THE DEVASTATING IMPACTS OF INTERNATIONAL TRANSBOUNDARY POLLUTION FLOWS INTO THE SOUTHERNMOST REGIONS OF CALIFORNIA AND THE PACIFIC OCEAN

Source: San Diego County Division

Concurrence of five or more cities/city officials

Cities: Calexico; Coronado; Imperial Beach; San Diego

Individual City Officials: City of Brawley: Mayor Pro Tem Norma Kastner-Jauregui; Council Members Sam Couchman, Luke Hamby, and George Nava. City of Escondido: Deputy Mayor Consuelo Martinez. City of La Mesa: Council Member Bill Baber. City of Vista: Mayor Judy Ritter and Council Member Amanda Young Rigby

Referred to: Environmental Quality Policy Committee

WHEREAS, international transboundary rivers that carry water across the border from Mexico into Southern California are a major source of sewage, trash, chemicals, heavy metals and toxins; and

WHEREAS, transboundary flows threaten the health of residents in the United States and Mexico, harm important estuarine land and water of international significance, force closure of beaches, damage farmland, adversely impact the South San Diego County and Imperial County economy; compromise border security, and directly affect U.S. military readiness; and

WHEREAS, a significant amount of untreated sewage, sediment, hazardous chemicals and trash have been entering southern California through both the Tijuana River Watershed (75 percent of which is within Mexico) and New River flowing into southern California's coastal waterways and residential and agricultural communities in Imperial County eventually draining into the Salton Sea since the 1930s; and

WHEREAS, in February 2017, an estimated 143 million gallons of raw sewage flowed into the Tijuana River and ran downstream into the Pacific Ocean and similar cross border flows have caused beach closures at Border Field State Park that include 211 days in 2015; 162 days in 2016; 168 days in 2017; 101 days in 2018; and 187 days to date for 2019 as well as closure of a number of other beaches along the Pacific coastline each of those years; and

WHEREAS, approximately 132 million gallons of raw sewage has discharged into the New River flowing into California through communities in Imperial County, with 122 million gallons of it discharged in a 6-day period in early 2017; and

WHEREAS, the presence of pollution on state and federal public lands is creating unsafe conditions for visitors; these lands are taxpayer supported and intended to be managed for recreation, resource conservation and the enjoyment by the public, and

WHEREAS, the current insufficient and degrading infrastructure in the border zone poses a significant risk to the public health and safety of residents and the environment on both

sides of the border, and places the economic stress on cities that are struggling to mitigate the negative impacts of pollution; and

WHEREAS, the 1944 treaty between the United States and Mexico regarding *Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande* allocates flows on trans-border rivers between Mexico and the United States, and provides that the nations, through their respective sections of the International Boundary Water Commission shall give control of sanitation in cross border flows the highest priority; and

WHEREAS, in 1993, the United States and Mexico entered into the *Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a North American Development Bank* which created the North American Development Bank (NADB) to certify and fund environmental infrastructure projects in border-area communities; and

WHEREAS, public concerns in response to widespread threats to public health and safety, damage to fish and wildlife resources and degradation to California's environment resulting from transboundary river flow pollution in the southernmost regions of the state requires urgent action by the Federal and State governments, and

WHEREAS, Congress authorized funding under the U.S. Environmental Protection Agency's (EPA) Safe Drinking Water Act and established the State and Tribal Assistance Grants (STAG) program for the U.S.-Mexico Border Water Infrastructure Program (BWIP) in 1996 to provide grants for high-priority water, wastewater, and storm-water infrastructure projects within 100 kilometers of the southern border; and

WHEREAS, the EPA administers the STAG and BWIP programs, and coordinates with the North American Development Bank (NADB) to allocate BWIP grant funds to projects in the border zone; and

WHEREAS, since its inception, the BWIP program has provided funding for projects in California, Arizona, New Mexico and Texas that would not have been constructed without the grant program; and

WHEREAS, the BWIP program was initially funded at \$100 million per year, but, over the last 20 years, has been continuously reduced to its current level of \$10 million; and

WHEREAS, in its FY 2020 Budget Request, the Administration proposed to eliminate the BWIP program; and

WHEREAS, officials from EPA Region 9, covering California, have identified a multitude of BWIP-eligible projects along the southern border totaling over \$300 million; and

WHEREAS, without federal partnership through the BWIP program and state support to address pollution, cities that are impacted by transboundary sewage and toxic waste flows are

left with limited resources to address a critical pollution and public health issue and limited legal remedies to address the problem; and

WHEREAS, the National Association of Counties, (NACo) at their Annual Conference on July 15, 2019 and the U.S. Conference of Mayors at their Annual Conference on in July 1, 2019 both enacted resolutions calling on the federal and state governments to work together to fund and address this environmental crisis; and

WHEREAS, local governments and the public support the State's primary objectives in complying with environmental laws including the Clean Water Act, Porter-Cologne Water Quality Control Act, and Endangered Species Act and are supported by substantial public investments at all levels of government to maintain a healthy and sustainable environment for future residents of California, and

WHEREAS, League of California Cities policy has long supported efforts to ensure water quality and oppose contamination of water resources; and

NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding **for environmental infrastructure on the U.S. – Mexico Border, including** ~~to the U.S – Mexico~~ Border Water Infrastructure Program (BWIP), and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.