



***Policy Committee
Recommendations***

2020 Annual Conference Resolutions



October 7 – 9, 2020



League of California Cities
Annual Conference and Expo
October 7 - 9

2020 General Resolutions Committee Roster

Chair: Cindy Silva, Council Member, Walnut Creek

Vice Chair: Jess Talamantes, Council Member, Burbank

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

Arnerich, Newell, Council Member, Danville
Baber, William, Council Member, La Mesa
Bagby, Melanie, Council Member, Cloverdale
Beach, Emily, Mayor, Burlingame
Bellow, La Tanya, H.R. Director, Berkeley
Bernstein, Allan, Mayor, Tustin
Berry, Stacy, Mayor, Cypress
Brewer, Celia, City Attorney, Carlsbad
Chouteau, Anna, Council Member, St. Helena
De La Rosa, Gloria, Council Member, Salinas
Dorenbecher, Marita, Council Member, Yountville
Dorman, Kerri, Vice Mayor, Yountville
Dorst-Porada, Debra, Mayor pro Tem, Ontario
Fierro, Ronaldo, Council Member, Riverside
Galagaza, Anthony, Fire Chief, Bakersfield
Garcia, Edgard, Council Member, El Centro
Garnes, Debra, Mayor, Rio Dell
Garza, Juan, Mayor, Bellflower
Halliday, Barbara, Mayor, Hayward
Kelley, Chris, Council Member, Hercules

Loren, Jesse, Council Member, Winters
McGlynn, Sean, City Manager, Santa Rosa
Messner, Heidi, Council Member, Eureka
Middleton, Lisa, Council Member, Palm Springs
Nagy, Patrick, Mayor, Gustine
Nassiff, Scott, Council Member, Apple Valley
Pacheco, Blanca, Mayor, Downey
Parra, Daniel, Mayor pro Tem, Fowler
Plummer, Robert, Police Chief, Napa
Rapp, Lisa, Public Works Director, Lakewood
Rapper, Roberta, Admin. Ser. Dir., West Sacramento
Schmidt, Ernie, Planning Comm., Redwood City
Schumacher, Cori, Council Member, Carlsbad
Shah, Mariam, Council Member, Grover Beach
Siminoff, Marty, Mayor, Brea
Thornton, Carla, Council Member, Moreno Valley
Thurman, Melissa, City Clerk, San Bruno
Turner, Mireya, Council Member, Lakeport
Valentine, Olivia, Council Member, Hawthorne
Williams, Wanda, Mayor Pro Tem, Suisun
Wizard, Jon, Council Member, Seaside

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		

GOVERNANCE, TRANSPARENCY & LABOR RELATIONS POLICY COMMITTEE

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996	A		

PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996	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

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](#).



Cindy Silva
Council Member, Walnut Creek
Chair, General Resolutions Committee
League of California Cities
Sacramento, CA

RE: Report on Resolution 1 –Amendment to Section 230 of The Communications Decency Act of 1996

Dear Council Member Silva:

The League's Governance, Transparency and Labor Relations 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 2020 Resolutions Packet.

For Resolution No. 1, Amendment to Section 230 of The Communications Decency Act of 1996, the committee recommends the action be **APPROVE**.

This report is hereby respectfully submitted.

Sincerely,

Jess Talamantes
Council Member, Burbank



Cindy Silva
Council Member, Walnut Creek
Chair, General Resolutions Committee
League of California Cities
Sacramento, CA

RE: Report on Resolution 1 –Amendment to Section 230 of The Communications Decency Act of 1996

Dear Council Member Silva:

The League’s Public Safety 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 2020 Resolutions Packet.

For Resolution No. 1, Amendment to Section 230 of The Communications Decency Act of 1996, the committee recommends the action be **APPROVE**.

This report is hereby respectfully submitted.

Sincerely,

Marty Simonoff
Mayor, Brea

1. A RESOLUTION OF THE GENERAL ASSEMBLY OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR AN AMENDMENT OF SECTION 230 OF THE COMMUNICATIONS DECENCY ACT OF 1996 TO REQUIRE SOCIAL MEDIA COMPANIES TO REMOVE MATERIALS WHICH PROMOTE CRIMINAL ACTIVITIES

Source: City of Cerritos

Concurrence of five or more cities/city officials

Cities: City of Hawaiian Gardens, City of Lakewood, City of Ontario, City of Rancho Cucamonga, City of Roseville

Referred to: Governance, Transparency and Labor Relations and Public Safety Policy Committees

Recommendation to General Resolutions Committee:

Governance, Transparency and Labor Relations Committee – **APPROVE**

Public Safety: **APPROVE**

WHEREAS, local law enforcement agencies seek to protect their communities’ residents, businesses, and property owners from crime; and

WHEREAS, increasingly, criminals use social media platforms to post notices of places, dates and times for their followers to meet to commit crimes; and

WHEREAS, Section 230 of the Communications Decency Act of 1996 currently provides online platforms (including social media platforms) immunity from civil liability based on third-party content and for the removal of content; and

WHEREAS, in the 25 years since Section 230’s enactment, online platforms no longer function simply as forums for the posting of third-party content but rather use sophisticated algorithms to promote content and to connect users; and

WHEREAS, the United States Department of Justice, in its June 2020 report, “Section 230 — Nurturing Innovation or Fostering Unaccountability?,” concluded the expansive interpretation courts have given Section 230 has left online platforms immune from a wide array of illicit activity on their services, with little transparency or accountability, noting it “makes little sense” to immunize from civil liability an online platform that purposefully facilitates or solicits third-party content or activity that violates federal criminal law; and

WHEREAS, current court precedent interpreting Section 230 also precludes state and local jurisdictions from enforcing criminal laws against such online platforms that, while not actually performing unlawful activities, facilitate them; and

WHEREAS, amendment of Section 230 is necessary to clarify that online platforms are not immune from civil liability for promoting criminal activities; and

NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 9, 2020 in Long Beach, California, that the League

calls upon the U.S. Congress to amend Section 230 of the Communications Decency Act of 1996 to condition immunity from civil liability on the following:

1. Online platforms must establish and implement a reasonable program to identify and take down content which solicits criminal activity; and
2. Online platforms must provide to law enforcement information which will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity; and
3. An online platform that willfully or negligently fails in either of these duties is not immune from enforcement of state and local laws which impose criminal or civil liability for such failure.

LETTERS OF CONCURRENCE
Resolution No. 1

Amendment to Section 230 of the Communications
Decency Act of 1996



CITY OF HAWAIIAN GARDENS

"Our Youth - Our Future"

August 7, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social medial platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

The public safety efforts in the City of Hawaiian Gardens would certainly benefit from such legislation. This letter serves to support the City of Cerritos in their efforts to submit of the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,



Ernie Hernandez
City Manager

cc Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us

Jeff Wood
Vice Mayor

Steve Craft
Council Member



Todd Rogers
Mayor

Ariel Pe
Council Member

Diane DuBois
Council Member

August 5, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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This letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Todd Rogers
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us

Lakewood

CITY OF

303 EAST "B" STREET, CIVIC CENTER

ONTARIO



ONTARIO

CALIFORNIA 91764-4105

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PAUL S. LEON
MAYOR

DEBRA DORST-PORADA
MAYOR PRO TEM

ALAN D. WAPNER
JIM W. BOWMAN
RUBEN VALENCIA
COUNCIL MEMBERS

SCOTT OCHOA
CITY MANAGER

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
TREASURER

August 6, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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This letter serves to support the City of Cerritos in their efforts to submit the above-mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Alan D. Wapner
Council Member
League of California Cities Board Member

c: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us



CITY OF RANCHO CUCAMONGA

10500 Civic Center Drive | Rancho Cucamonga, CA 91730 | 909.477.2700 | www.CityofRC.us

August 6, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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On behalf of the City of Rancho Cucamonga, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

L. Dennis Michael
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us



City Council
311 Vernon Street
Roseville, California 95678

August 7, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social media platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

On behalf of the City of Roseville, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

John B. Allard II,
Mayor

Cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us
Jason Gonsalves, Joe A. Gonsalves and Son

**SUPPLEMENTAL LETTER RECEIVED BY
POLICY COMMITTEES**

Resolution No. 1

Amendment to Section 230 of the Communications
Decency Act of 1996



CITY OF PINOLE

City Hall
2131 Pear Street
Pinole, CA 94564

Phone: (510) 724-9000
FAX: (510) 724-9826
www.ci.pinole.ca.us

September 24, 2020

Members of the 2020 General Resolutions Committee
Members of the Governance, Transparency & Labor Relations Policy Committee
Members of the Public Safety Policy Committee
c/o Jason Rhine and Meg Desmond

Sent via email

Dear League Colleagues:

At its meeting of September 15, 2020, the Pinole City Council directed its delegate to the League of California Cities annual conference to vote in support of the resolution that will be considered regarding the Communications Decency Act.

The City Council also decided to send this letter to the League committees that will be discussing the resolution noting the following issues that the Council believes warrant consideration:

- The changes to federal law being promoted by the resolution might have the unintended consequence of incentivizing social media platforms to offshore their operations, through which they might avoid any new liability but create the loss of US jobs;
- The changes to federal law being promoted might infringe upon First Amendment rights, as noted in the League staff analysis; and
- The changes to federal law being promoted might infringe upon Fourth Amendments rights, as noted in the League staff analysis.

The Pinole City Council would like to bring the issues above to your attention as you deliberate regarding the proposed resolution.

Sincerely,

Roy Swearingen
Mayor
City of Pinole

Cc: City Council
Andrew Murray, City Manager
Eric Casher, City Attorney
Sam Caygill, East Bay Division, League of California Cities