

COUNCIL AGENDA: 08-31-10  
ITEM: 2.10

## Memorandum

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**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Lee Price, MMC  
City Clerk

**SUBJECT:** 2010 LEAGUE OF CALIFORNIA  
CITIES RESOLUTIONS

**DATE:** 08-26-10

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### RECOMMENDATION

As recommended by the Rules and Open Government Committee on August 25, 2010 and outlined in the attached memo previously submitted to the Rules and Open Government Committee, approve the recommended City positions for six resolutions to be considered at the Annual League of California Cities (LOCC) Conference to be held in San Diego, September 15-17, 2010.



# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** Betsy Shotwell

**SUBJECT:** 2010 LEAGUE OF CALIFORNIA  
CITIES RESOLUTIONS

**DATE:** August 12, 2010

Approved

*Deanna Acton*

Date

*8/12/10*

## RECOMMENDATION

Approve the recommended City positions for six (6) resolutions to be considered at the Annual League of California Cities (LOCC) Conference to be held in San Diego, September 15-17. A one-week turnaround to the Mayor and City Council is requested.

## OUTCOME

By approving the recommended positions for the six resolutions, our City representative attending the Annual Business meeting will have the Council's direction for votes to be taken on each resolution.

## BACKGROUND

Each year, the LOCC accepts resolutions from member cities, and elected officials to be adopted at its annual conference. Before the conference, the resolutions undergo review by the appropriate LOCC policy committees. On Wednesday, September 15, policy committees will meet for a final review of the resolutions. Next, the General Resolutions Committee will meet on Thursday, September 16, to consider the policy committees' reports and to take action on their recommended positions. Resolutions that are approved by the General Resolutions Committee will then be reported on the floor of the General Assembly at the Annual Business meeting, on Friday, September 17.

The voting delegates at the Annual Business meeting make the final determination on the resolutions.

## ANALYSIS

The staff analyses and original language of the resolutions are attached for your consideration. In addition, the summary below has been provided as a summary of the recommended City positions for each resolution.

**2010 Proposed League of California Cities Resolutions**

<b>Resolution</b>	<b>Recommended City Position</b>
1. Resolution Relating to League Bylaws Amendments	Approve
2. Resolution Relating to the National Let's Move Campaign	Approve
3. Resolution Opposing the Board of Directors' Decision to Defer Action on AB 32 and SB 375 and to Adopt the Board-Appointed Task Force Recommendations	Disapprove (both actions)
4. Resolution Relating to Responsible Banking	Approve
5. Resolution Relating to Unfunded Mandates	Approve if amended
6. Resolution Relating to Enhancing Public Safety While Driving a Motor Vehicle	Approve

**PUBLIC OUTREACH**

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This document will be posted on the City's website for the August 25, Rules and Open Government Committee where the Council and the public have the opportunity to comment.

**COORDINATION**

This memorandum was coordinated with the City's Legislative Representative in Sacramento, the City Attorney's Office, and City departments as indicated in the analyses.



BETSY SHOTWELL

Director, Intergovernmental Relations

For more information contact: Betsy Shotwell, Director of Intergovernmental Relations at (408) 535-8270.

Attachment: 2010 Annual Conference Resolutions and staff analyses and recommendations

## 1. Resolution Relating to League Bylaws Amendments

**Recommended City Position:** Approve

**Source:** League Board of Directors

**Referred to:** Administrative Services Policy Committee

In early 2010, the LOCC Board of Directors authorized the President to appoint a Bylaws Review Committee, consisting of a cross-section of current Board members, including Councilmember Chu, to review the provisions of the LOCC bylaws. The Committee met on numerous occasions and the Board approved the Committee's report and recommends the adoption of the following five amendments to the LOCC bylaws as summarized below. (For a full description and text of the amendments, please refer to pages 6-11 of the LOCC Resolutions packet attached).

- **Amendment to Article VII, Section 1. Board of Directors.** The Committee reviewed a variety of recommendations from previous task forces to encourage greater diversity on the board of directors. It concluded that the best way to encourage greater diversity on the board of directors is to adopt a clear and unequivocal policy statement that the various subunits of the LOCC should encourage and support all members to pursue leadership within the LOCC with the ultimate goal of serving on the board of directors.
- **Amendment to Article VII, Section 2. Composition of Board of Directors.** The Committee examined the current composition of the board of directors and is proposing to expand the board by two at-large positions and two large city positions to meet particular needs. Currently, mayors of the 8 largest cities (including San Jose) serve on the board, however in keeping with the long standing coalition of the "Big Ten" Mayors, the Committee recommends adding the two remaining cities in the group – Santa Ana and Anaheim to the Board.
- **Amendment to Article VII, Section 5. Nomination Process.** Candidates for officer and at-large positions on the LOCC 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. To increase the pool from which to nominate from, the Committee recommends that the President could then appoint a substitute from the same regional division or, if not available, from a nearby regional division.
- **Amendment to Article XIV, Section 1 (new section). Conflict of Interest.** The Board of Directors recently adopted a policy designed to reduce potential conflicts of interest by Board members and policy committee members involved in the adoption of League policy and make decisions in the best overall interests of cities statewide, as opposed to narrow parochial, personal, or financial

interests. The Board then asked the Committee to consider whether it should be added to the LOCC bylaws and the Committee concluded that it should be added.

- **Amendment to Article XIV, Section 4 (new section). Ethical Considerations.** As part of the guidance to avoid conflicts of interest by Board members and policy committee members, language related to ethical considerations is recommended to clarify that the items described in Article XIV as prohibited transactions represent the floor and not the ceiling for standards of ethical conduct. The additional guidance recommends abstention from decisions where personal conflict may exist.

## **2. Resolution Relating to the National Let's Move Campaign**

**Recommended City position:** Approve

**Source:** League Board of Directors

**Referred to:** Community Services Policy Committee

In February, First Lady Michelle Obama launched the Let's Move! Campaign to solve the childhood obesity epidemic within a generation and then expanded the effort to include a call to action to mayor and other elected officials to join her Let's Move! Campaign in an effort to leverage cities and communities unique ability to solve obesity locally and adopt long-term sustainable, regional approaches to fight childhood obesity. This resolution urges cities and towns across the State to adopt preventive measures to fight obesity as set forth in the Let's Move campaign; sign-up with the campaign; and are encouraged to help parents make healthy family choices, create healthy school, provide access to healthy and affordable foods, and promote physical activity.

The City of San Jose has a history of supporting past LOCC resolutions that encourage health and wellness in cities and that encourage healthier lifestyles for children, adults and seniors in cities throughout California. As before, staff recommends approval of this resolution that encourages local governments to engage in practices to solve obesity and fight childhood obesity. One of the City of San Jose's goals and strategies for the City's parks, community facilities and programs is to "improve health and wellness. Recreation is key to human development and renewal. Personal health and wellness require opportunities to be physically active, mentally and emotionally recharged, and socially engaged."

The City seeks to work cooperatively with other local and regional stakeholders to deliver recreation activities including partnerships with various school districts within the San Jose limits. Many of these districts provide recreation opportunities to the community and have permitted the City to offer recreation programs and classes at their facilities, including swim lessons, summer recreation swim, access to youth sport fields, and after school programs to name a few. Some of these school districts have permitted

joint use facilities to be built on their properties, where the City and the school district jointly operate such facilities as the Alviso Youth Center, Alum Rock Youth Center, Berryessa Youth Center, and the Moreland West Multi-Service Center.

During Summer 2010, the City of San Jose collaborated with the County of Santa Clara, the YMCA of Santa Clara Valley, Boys and Girls Clubs, First 5 of Santa Clara Valley and the Mexican Heritage Corporation to provide nutritional meals to the youth of Santa Clara valley. Over 3000 San Jose youth received breakfast, lunch and two snacks everyday for 8 weeks. In addition, participants were engaged in recreational and leisure activities that included swimming, sports, and field trips to the skating rink and the Happy Hollow Park and Zoo.

Other health and fitness camps offered by the City were a diabetes camp, baseball camps, soccer camps and basketball camps. The City operates fitness gyms at several community centers and provides a variety of classes in fitness.

The City of San Jose implemented a low cost evidence based exercise program to encourage sedentary and non-active seniors over the age of 55 to participate in a low impact exercise program to improve their strength, flexibility, balance and well being. In addition, the City offers fitness classes for seniors in Yoga, Feldenkrais, Tai Chi and Better Bones and Balance. The City of San Jose is currently working with the County of Santa Clara to develop an alternative finance strategy to provide low-cost senior nutrition.

**Coordination:** Parks, Recreation and Neighborhood Services

### **3. Resolution Opposing the Board of Directors decision to defer action on AB 32 and SB 375 and to Adopt the Board-Appointed Task Force Recommendations**

**Recommended City Position:** Disapprove of the Resolution to oppose Board of Director's decision to defer action on AB 32 and SB 375; and disapprove of the same resolution to Adopt the Board-Appointed Task Force Recommendations

**Source:** Desert Mountain Division

**Referred to:** Environmental Quality Policy Committee; Housing, Community & Economic Development Policy Committee; Revenue and Taxation Policy Committee; and Transportation, Communication & Public Works Policy Committee.

In response to concerns raised by the Desert Mountain Division about the potential impacts of implementing AB 32 (The Global Warming Solutions Act) and SB 375 (Transportation planning: travel demand models: sustainable communities strategy: environmental review), The League of California Cities (LOCC) appointed a Task Force to recommend a League position that would be based upon the recommendations of four League policy committees. The Task Force recommended that the LOCC "request specific actions by Governor Schwarzenegger and that the California Air Resources

Board delay certain deadlines and take other actions with respect to AB 32 and SB 375.” The League’s Board of Directors rejected this recommendation by deferring action on the implementation of the signed legislation. Now, the Desert Mountain Division is putting forth a resolution that the League General Assembly adopt the recommendations of the policy committees and the Board-appointed Task Force at its annual conference in September.

The recommendations are:

1. Request that the Governor exercise his authority to delay individual AB 32 implementation deadlines.
2. Request that the California Air Resources Board take the following three actions:
  - a. Revisit and update economic and growth assumptions used to estimate 2020 business-as-usual emissions and recalculate AB 32 goals;
  - b. Consider local government costs in all future studies relating to AB 32 and SB 375; and
  - c. Request that the SB 375 targets be set in a way to reflect the economy and scarce local resources.
3. Support (but not sponsor) any legislation that would suspend or delay implementation of SB 375 until there is funding and resources in place to implement individual mandates and requirements associated with the bill; and,

Request that the specific recommendations developed by the four policy committees and Task Force be considered by the General Assembly at the Annual Conference unless the Board of Directors reverses its deferred action stance on AB 32 and SB 375 and adopts the Task Force recommendations.

### **Background on AB 32**

AB 32 is California’s 2006 landmark act addressing climate change, and SB 375 is the 2008 bill that: (1) requires metropolitan planning organizations (MPOs) to include sustainable communities strategies in their regional transportation plans (RTPs) for the purpose of reducing greenhouse gas emissions, (2) aligns planning for transportation and housing, and (3) creates specified incentives for the implementation of the strategies. While considerable support for the signed legislation exists within the state legislature, local governments, and non-profit sector, some entities, such as the LOCC’s Mountain Desert Division, have expressed concerns about the potential negative impacts of implementing the provisions of the two pieces of legislation in the current economic climate. In fact, over 400 organizations and 1,000 individuals has expressed their support for AB 32 by stating their opposition to Proposition 23, the ballot initiative that would suspend the law until California’s unemployment reaches 5.5% for four consecutive quarters.

The City of San Jose supports both pieces of legislation and believes that they are instrumental in its efforts to achieve its Green Vision goals as well as its economic development goals. With its history and culture of innovation, its educated workforce, its access to venture financing, and its critical mass of clean green technology companies, San Jose is well-positioned to capitalize upon the emerging clean technology economy and recognizes its potential for providing the City with an effective economic growth

engine. This economic sector has the potential to bring revenues into the local economy from all over the world. Additionally, clean technology is part of the adaptation strategy for addressing climate change.

The clean technology sector spurred on by the passage of AB 32 is already positively impacting California's economy. Recent studies have shown that the clean technology sector is creating jobs in California at a faster rate than businesses in more traditional sectors. Between 1995 and 2008, green businesses increased 45% in number. Employment in these businesses grew 36% while total jobs in California expanded only 13%. Moreover, the green economy offers job opportunities across the spectrum of skill levels and earnings potential. AB 32 is one of the latest pioneering initiatives spearheaded by California with the power to change the direction taken by other state and national governments.

While AB 32 addresses greenhouse emissions, SB 375 is designed to reduced greenhouse gas emissions from the transportation sector by connecting it to urban planning. In part, it complements the work of the community-based General Plan Update – "Envision San Jose 2040." The General Plan Update is intended to decrease reliance on the automobile by fostering mixed use areas accessible by transit, bicycle, and foot.

Climate change has the capacity to raise sea levels substantially with its primary effect felt in low-lying coastal areas. With its proximity to the San Francisco Bay, San Jose could feel these effects significantly. The ten goals of its Green Vision are, in large measure, designed to reduce the City's greenhouse gas emissions. The passage of these two bills supports the City's Green Vision goals, its economic development strategy, its efforts to become more sustainable, and its urban planning strategies by placing jobs and housing in mixed use villages.

With the above information and stated concerns, staff recommends that the City disapprove the proposed resolution pending before the LOCC General Assembly at its Annual Conference in September.

**Coordination:** Environmental Services Department, Planning, Building and Code Enforcement, and the Office of Economic Development.

#### **4. Resolution Relating to Responsible Banking**

**Recommended City Position:** Approve

**Source:** Richard Alarcon, Los Angeles Council Member and Karen Avilla, City Treasurer of Carson

**Referred to:** Housing, Community and Economic Development Policy committee; Revenue and Taxation Policy Committee

This resolution asks that the General Assembly of the LOCC support a resolution that asks that the LOCC strongly encourage municipalities to require transparent, responsible banking from the financial institutions receiving city funds. The resolution further requests that the LOCC serve as a clearinghouse of information on the responsible initiatives of municipalities across the country in order to help California cities interested in taking steps to increase transparent, responsible banking in their own communities.

The Country is currently emerging from its worst financial crisis since the great depression, and as the financial system regains its footing, there have been many conversations about the role of financial service firms. As municipalities address the challenges facing our communities, it is important that the solutions are predicated on a "positive reinforcement" incentive for our financial partners. This strategy will ensure that our Cities continue to have access to the financial products necessary to manage our complex financial needs and that our constituents continue to benefit from their use. In December 2009, the City Council concerned over the increasing number of housing foreclosures, authorized a "positive reinforcement" revision to the City's Investment Policy to include a new section 16.0 "Social Responsibility – Foreclosure Mitigation." The revision to the City's Investment Policy added a financial institution's commitment to foreclosure mitigation as one of several criteria used when evaluating which financial institutions the City would use for short term investments. Consistent with the "prudent investor standard" principle, which is used in administering the Investment Programs use of public funds, the criteria of foreclosure mitigation is considered after the Investment Program's primary objectives of safety, liquidity and yield have been met. In order to operationalize the "Social Responsibility" policy objective, a financial institutions' level of participation in the Federal Home Affordability Modification Program (HAMP) and/or a Community Reinvestment Act rating of "satisfactory" or higher is currently used as an investment criteria to differentiate between similar financial institutions' short-term investment instruments.

As the nation and our City adjust to the post recession new realities of the banking service industry, it is important that the City maintain access to financial products and that financial services community provide transparent and responsible banking services. Therefore, staff conceptually agrees with the framework of this resolution and recommends approval.

**Coordination:** The Finance Department

## 5. Resolution Relating to Unfunded Mandates

**Recommended City Position:** Approve if amended

**Source:** City of Santa Clarita

**Referred to:** Revenue and Taxation Committee

For decades, local governments, including cities, counties and special districts have had mandates imposed by the State of California. Under California law, whenever the Legislature, Governor, or a state agency enacts a new law, executive order, regulation, or rule that requires a local government to implement a new program or provide a higher level of service to an existing program, the state shall reimburse the local agency for the increased cost. However, as the State has struggled to balance its budget over the past several years it has chosen to either borrow or take funds from local governments while at the same time, both the state and federal governments have imposed mandates on local governments to implement or face major penalties for non-compliance.

The City of Santa Clarita's (page 20 of the attached) has put forward an advisory resolution which proposes that:

1. "The League of California Cities work with its member cities and other local government partners to identify solutions in which local governments must increase fees or taxes to meet state mandated requirements; and
2. The League of California Cities petition the Governor of the State of California and Legislature of the State of California to suspend or eliminate certain state mandates until improvement of the national and California economy results in substantially lower statewide unemployment and fiscal solvency of the State of California and local governments; and
3. The League of California Cities work with Members of Congress and the government of the United States to suspend or eliminate certain federal mandates, passed along to the states for implementation, until the improvement of the national economy results in substantially lower national unemployment and fiscal solvency of the United States, the State of California and local governments; and
4. That the League of California Cities will support 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 or tax or fee increase is necessary to implement the mandate."

A long standing Legislative Guiding Principle for the City has been to: "Protect and increase local funding; no unfunded mandates. Oppose legislation, policies, or budgets that have negative impacts on City services, revenues or costs. The City supports efforts, legislation, and policies that ensure that mandated programs are linked to funding to offset the local costs."

Staff believes that sections 1 and 4 of the proposed resolution reflect the City's ongoing concerns over the impacts of having unfunded mandates imposed on the City. However, sections 2 and 3 as written are vague and overbroad. Terms in the sections need greater specificity – How is “improvement in the national and California economy” defined? What does “substantially lower” mean as it relates to lower statewide unemployment? What impacts would suspension or elimination of certain state or federal mandates create? Which “certain state or federal mandates” are to be addressed as the League engages with state and federal governments on this issue? Local governments have implemented mandates to improve the health and safety of our residents and it would be regrettable to turn back the clock on those measures that have improved a community's quality of life.

Therefore, staff recommends that this resolution be approved if amended with the deletion of sections 2 and 3 as currently written, and that further efforts be undertaken by the League to assess from its membership specific examples of the impacts of unfunded mandates on their cities and towns.

**Coordination:** The Finance Department.

## **6. Resolution Related to Enhancing Public Safety While Driving a Motor Vehicle**

**Recommended City Position:** Approve

**Source:** City of Elk Grove

**Referred to:** Transportation, Communication and Public Works Policy Committee

This resolution asks that the LOCC encourage cities to promote safe driving across California and the education of the general public about the dangers of texting while driving.

The City of San Jose supports the efforts to educate the public on the dangers of distracted, driving, biking and walking. San Jose's nationally recognized Traffic Safety Education Program, *Street Smarts*, targets driver, pedestrian, and bicyclist behavior. Included as part of the *Street Smarts* safety presentation is information on the dangers of distracted driving, walking, and bicycling.

**Coordination:** Department of Transportation.



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July 29, 2010

TO: Mayors, City Managers and City Clerks  
League Board of Directors  
General Resolutions Committee Members  
Members, League Policy Committees to Which Resolutions Are Referred

RE: Annual Conference Resolutions Packet  
Notice of League Annual Meeting

Enclosed please find the 2010 Annual Conference Resolutions Packet.

**Annual Conference in San Diego.** This year's League Annual Conference will be held September 15-17 at the San Diego Convention Center. The conference announcement has previously been sent to all cities and we hope that you and your colleagues will be able to join us. More information about the conference is available on the League's Web site at [www.cacities.org/ac](http://www.cacities.org/ac). We look forward to welcoming city officials to the conference.

**Annual Business Meeting - Friday, September 17, 3:00 p.m.** The League's Annual Business Meeting will be held at the San Diego Convention Center, Ballroom 20ABC.

**Resolutions Packet.** At the Annual Conference, the League will consider the six resolutions introduced by the deadline — Friday, July 16, 2010, 5 p.m., for submittals by regular mail, or Saturday, July 17, midnight, for submittals by e-mail or fax. These resolutions are included in this packet. We request that you distribute this packet to your city council.

We encourage each city council to consider the resolutions and to determine a city position so that your voting delegate can represent your city's position on each resolution. A copy of the resolutions packet is posted on the League's Web site for your convenience: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

This resolutions packet contains additional information related to consideration of the resolutions at the Annual Conference. This includes the date, time and location of the meetings at which resolutions will be considered.

**Voting Delegates.** Each city council is encouraged to designate a voting delegate and two alternates to represent their city at the Annual Business Meeting. A letter asking city councils to designate their voting delegate and two alternates has already been sent to each city. Copies of the letter, voting delegate form, and additional information are also available at: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

**Please Bring This Packet to the Annual Conference  
September 15 - 17 — San Diego**

**I.**  
**INFORMATION AND PROCEDURES**

**RESOLUTIONS CONTAINED IN THIS PACKET:** The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, six resolutions have been introduced for consideration by the Annual Conference and referred to the League policy committees. Please note that two resolutions have been referred to more than one policy committee for consideration.

**POLICY COMMITTEES:** Six policy committees will meet at the Annual Conference to consider and take action on resolutions referred to them. These are: Administrative Services; Community Services; Environmental Quality; Housing, Community & Economic Development; Revenue and Taxation; and Transportation, Communication & Public Works. These committees will meet on Wednesday, September 15, 2010 at the Hilton Bayfront Hotel, located next to the San Diego Convention Center. Please see page iii for the policy committee meeting schedule. The sponsors of the resolutions have been notified of the time and location of the meetings.

Two policy committees will not be meeting at the annual conference. These committees are: Employee Relations and Public Safety.

**GENERAL RESOLUTIONS COMMITTEE:** This committee will meet at 4:00 p.m. on Thursday, September 16, at the San Diego Convention Center, Ballroom 20D, to consider the reports of the six policy committees regarding the six resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president.

**ANNUAL BUSINESS MEETING/GENERAL ASSEMBLY:** This meeting will be held at 3:00 p.m. on Friday, September 17, at the San Diego Convention Center, Ballroom 20ABC.

**PETITIONED RESOLUTIONS:** For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Session of the General Assembly. This year, that deadline is 3:00 p.m., Thursday, September 16. If the petitioned resolution is substantially similar in substance to a resolution already under consideration, the petitioned resolution may be disqualified by the General Resolutions Committee.

Resolutions can be viewed on the League's Web site: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

Any questions concerning the resolutions procedures may be directed to Linda Welch Diamond at the League office: [ldiamond@cacities.org](mailto:ldiamond@cacities.org) or (916) 658-8224.

## II. GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

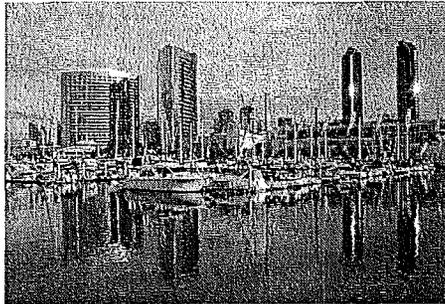
Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities and the League is through the League's eight standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

### **Guidelines for Annual Conference Resolutions**

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
  - (a) Focus public or media attention on an issue of major importance to cities.
  - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the Board of Directors.
  - (c) Consider important issues not adequately addressed by the policy committees and Board of Directors.
  - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

**III.  
LOCATION OF MEETINGS**



**Policy Committee Meetings**  
**Wednesday, September 15, 2010**  
**Hilton Bayfront Hotel, San Diego**  
 1 Park Boulevard, San Diego - (619) 564-3333  
*(Located next to the San Diego Convention Center)*

**POLICY COMMITTEES MEETING AT ANNUAL CONFERENCE TO  
DISCUSS AN ANNUAL CONFERENCE RESOLUTION**

9:00 a.m. – 10:30 a.m.	11:00 a.m. – 12:30 p.m.
Administrative Services – Indigo D	Community Services – Indigo D
Environmental Quality – Indigo H	Housing, Comm. & Econ. Dev. – Indigo 202
Revenue and Taxation – Indigo 202	
Transp., Comm. & Public Works – Indigo 204	

**Note:** These policy committees will NOT meet at the Annual Conference:  
 Employee Relations and Public Safety



**General Resolutions Committee**  
**Thursday, September 16, 2010, 4:00 p.m.**  
**San Diego Convention Center, Ballroom 20D**  
 111 West Harbor Drive, San Diego, CA 92101 - (619) 525-5000



**Annual Business Meeting and General Assembly**  
**Friday, September 17, 2010, 3:00 p.m.**  
**San Diego Convention Center, Ballroom 20ABC**  
 111 West Harbor Drive, San Diego, CA 92101 - (619) 525-5000

**IV.  
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			

**COMMUNITY SERVICES POLICY COMMITTEE**

		1	2	3
2	Let's Move Campaign			

**ENVIRONMENTAL QUALITY POLICY COMMITTEE**

		1	2	3
♦3	AB32/ SB 375			

**HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT POLICY COMMITTEE**

		1	2	3
♦3	AB32/ SB 375			
♦4	Responsible Banking			

**REVENUE AND TAXATION POLICY COMMITTEE**

		1	2	3
♦3	AB32/ SB 375			
♦4	Responsible Banking			
5	Unfunded State Mandates			

**TRANSPORTATION, COMMUNICATION & PUBLIC WORKS POLICY COMMITTEE**

		1	2	3
♦3	AB32/ SB 375			
6	Enhancing Public Safety			

**Please note:** These committees will NOT meet at the annual conference: Employee Relations and Public Safety

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League Web site: [www.cacities.org](http://www.cacities.org). The entire Resolutions Packet will be posted at: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

**RESOLUTIONS INITIATED BY PETITION AT THE ANNUAL CONFERENCE**

		General Resolutions Committee Recommendation	General Assembly Action

## KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

### KEY TO REVIEWING BODIES

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

### Action Footnotes

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

### 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 - Amend and 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:** Resolutions that are approved by the General Resolutions Committee, as well as all qualified petitioned resolutions, are reported to the floor of 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:

Resolutions 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.

V.  
**2010 ANNUAL CONFERENCE RESOLUTIONS**

**RESOLUTION REFERRED TO ADMINISTRATIVE SERVICES POLICY COMMITTEE**

**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  
Recommendation to General Resolutions 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.

**[Please see ATTACHMENT A, following background information, for text of proposed bylaws amendments.]**

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## Background Information on Resolution No. 1

**Source:** League Board of Directors

**Title:** Resolution Relating to League Bylaws Amendments

### **Background:**

At its February, 2010 Board meeting the League Board authorized the President to appoint a Bylaws Review Committee, consisting of a cross-section of current Board members, to review the provisions of League bylaws. This included policies related to governing the nomination and election of League Board members and officers with the goal of ensuring the most qualified and committed city officials are selected, representing a broad diversity of backgrounds, experience, abilities, geography and other factors, and that any barriers to their selection are removed. The Committee, chaired by First Vice President Jim Ridenour, completed its work in four face-to-face meetings (April 2, April 29, June 17 and July 9) and submitted its recommendations to the board. The Board approved the Committee's report and recommends the adoption of the following five amendments to the League bylaws:

- **Amendment to Article VII, Section 1, Board of Directors.** The Committee reviewed a variety of recommendations from previous task forces to encourage greater diversity on the board of directors. It concluded that the best way to encourage greater diversity on the board of directors is to adopt a clear and unequivocal policy statement that the various subunits of the League should encourage and support all members to pursue leadership within the League with the ultimate goal of serving on the board of directors. The League board recommends this proposal for approval.
- **Amendment to Article VII, Section 2, Composition of Board of Directors.** The Committee examined the current composition of the board of directors and is proposing to expand the board by two at-large positions and two large city positions to meet particular needs. Currently, the bylaws provide for approximately 50 directors, including 16 from regional divisions, 11 from functional departments of the League (e.g., city attorneys, city managers, etc.), 10 at-large directors, the mayors of the 8 largest cities (ranging from Los Angeles with 4,065,585 population to Oakland with 425,068 population, and the directors on the National League of Cities Board of Directors that are from California (approximately 2 – 4 members). All must be from dues paying cities.

The Committee concluded that due to the overwhelming interest in the at-large positions (4 – 5 times the applications as available seats each year) additional opportunities to serve on the League board should be provided by increasing the available at-large seats from 10 to 12. The Committee also concluded that large city representation should be adjusted to reflect the existence and political value provided through the coalition of the state's "Big Ten" Mayors, by increasing big city mayoral representation on the board from 8 to 10. The current make-up of the Board allows for only the mayors of the eight largest cities. This excludes two important cities that participate regularly in the coalition of the ten (10) largest cities in the state--Santa Ana (355,662) and Anaheim (348,467)--with which the League works closely. The League board recommends this proposal for approval.

- **Amendment to Article VII, Section 5, Nomination Process.** The Committee examined problems associated with the current process for the President selecting division representatives to serve on the Board Nominating Committee. Each year the President selects representatives from half (8) of the regional divisions, but the bylaws exclude those board members who are candidates for an officer or at-large position from serving. The Committee concluded that a problem can arise when the President is unable to appoint another board representative from a division if one or all of its representatives are candidates for officer or at-large positions. The proposed change would allow the League President to 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. The League board recommends this proposal for approval.

- **Amendment to Article XIV, Section 1 (new section). Conflicts of Interest.** The Board of Directors recently adopted a policy designed to reduce potential conflicts of interest by Board members and policy committee members involved in the adoption of League policy and asked the Committee to consider whether it should be proposed to be added to the League bylaws. The Committee recommends that this step be taken. The proposed new language is a general statement that Board members and policy committee members are expected to make decisions in the best overall interests of cities statewide, as opposed to narrow parochial, personal, or financial interests. The League board recommends this proposal for approval.
- **Amendment to Article XIV, Section 4 (new section). Ethical Considerations.** As part of the guidance to avoid conflicts of interest by Board members and policy committee members, language related to ethical considerations is recommended to clarify that the items described under Article XIV as prohibited transactions represent the floor and not the ceiling for standards of ethical conduct. The additional guidance recommends abstention from decisions where personal conflict may exist. The League board recommends this proposal for approval.

**[NOTE: Please see ATTACHMENT A (page 9) for text of proposed bylaws amendments.]**

**ATTACHMENT A**  
**Amendments to League Bylaws Proposed by Resolution 1**

(Proposed changes indicated by **bold Italics** and underlining)  
Please review in conjunction with summary provided in background information of Resolution 1

**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.

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**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.<sup>1</sup>

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

**RESOLUTION REFERRED TO COMMUNITY SERVICES POLICY COMMITTEE**

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

Source: League Board of Directors  
Referred to: Community Services Policy Committee  
Recommendation to General Resolutions 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 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.

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## **Background Information on Resolution No. 2**

**Source:** League Board of Directors

**Title:** Resolution Relating to the National Let's Move Campaign

### **Background:**

According to the United States Department of Health and Human Services, Region 9:

*In February, First Lady Michelle Obama launched the Let's Move! campaign to solve the childhood obesity epidemic within a generation. First Lady Obama is expanding the effort to include a call to action for mayors and other elected officials to join her Let's Move! Campaign ("Let's Move Cities and Towns") in an effort to leverage cities and communities unique ability to solve obesity locally and adopt long-term, sustainable, regional approaches to fight childhood obesity.*

*On February 2, 2010, President Barack Obama established the Task Force on Childhood Obesity, which includes senior administration officials. The Task Force developed an interagency plan after incorporating input from more than 2,500 public comments in 90 days. The plan details a coordinated strategy, identifies key benchmarks, and outlines an action plan to end the problem of childhood obesity within a generation.*

League adopts resolution in 2004: This resolution related to "encouraging healthier lifestyles for children, adults, and seniors in cities throughout California." This resolution directed the League to encourage cities to embrace policies that facilitate activities that promote healthier lifestyles, including healthy diet and nutrition, and adopt city design and planning principles that enable citizens to undertake exercise with the goal of achieving a more active and healthy community.

League adopts resolution in 2006: This resolution related to "encouraging health and wellness in cities." This resolution directed that the League in cooperation with related League committees, departments, and the CCS Partnership, work together to develop a clearinghouse of information that cities can use to promote wellness policies and healthier cities. It also directed the League to develop a toolkit on the League's Website for cities to visit in order to share, find and develop successful models of health and wellness to use in their respective communities. It also established that health and wellness programs become a topic of the Helen Putnam Awards Program beginning in 2007.

Previous Legislation: SCR 31 was introduced by Senator Alex Padilla in 2007, which established Healthy Communities Awareness Month. This Senate Concurrent Resolution recognized the importance of health and wellness in communities and declared the month of May as Healthy Communities Awareness Month. This was a League sponsored resolution.

League Partners with the Healthy Eating Active Living (HEAL) Cities Campaign: The HEAL Cities Campaign provides training and technical assistance to help city officials adopt policies that improve their communities' physical activity and retail food environments. The HEAL Cities Campaign, funded by Kaiser Permanente and the Vitamin Cases Consumer Settlement Fund, is a partnership of the League of California Cities, the California Center for Public Health Advocacy, and the Cities Counties and Schools Partnership. At its core the HEAL Cities Campaign believes that supporting healthy choices is essential to address the obesity epidemic among California's children and adults, which they purport currently costs the state nearly \$50 billion annually in healthcare and lost productivity. Forty cities have adopted resolutions and adopted specific action steps and a timeline in one of the several key campaign areas (e.g., language in general plan, zoning ordinances governing street design or community gardens, joint use of recreational facilities, and employee wellness). The HEAL campaign goals are:

- To provide city officials information about the statewide obesity epidemic and demonstrate how the community food environment, physical activity environment, children's out-of-school environment(s), and soda consumption perpetuate the epidemics; and,
- To inform city officials about the role they can play locally to fight the obesity and inactivity epidemics through policy adoption, and to recommend those policies that would improve the physical activity and food environments of their cities and make their community healthier.

Existing League policy on Healthy Cities: The League encourages cities to embrace policies that facilitate activities that promote healthier lifestyles, including healthy diet and nutrition, and to adopt city design and planning principles that enable citizens to undertake exercise with the goal of achieving a more active and healthy community.

Institute for Local Government (ILG) On Healthy Neighborhoods: ILG heads the *Healthy Neighborhoods Project*, which provides support and resources local officials can use to protect and improve community health by integrating health considerations into their planning, land use and other decisions. The resources the ILG Website offers are geared to strengthen the efforts of local officials, staff, planning and development professionals, and community residents in creating healthier communities.

According to the Healthy Neighborhoods Project, healthy neighborhoods provide:

(1) Places where walking and bicycling are safe and convenient and where residents of all ages and abilities have the opportunity to be physically active; (2) Nutritious, fresh, culturally appropriate food – grown locally whenever possible – is affordable and accessible, promoting health and boosting the local economy; (3) A place where residents aren't exposed to environmental hazards or pollutants that endanger their present or future health or well-being. ILG's Healthy Neighborhoods' Website provides current, relevant resources to aid in adapting general policies and strategies to reverse the negative trends related to physical inactivity, unhealthy eating, and environmental hazards.

National League of Cities (NLC) Commends First Lady Michelle Obama for Including Cities and Towns in Let's Move Campaign: In a press release dated June 11, 2010, NLC commends First Lady Michelle Obama for her newest initiative to combat childhood obesity, *Let's Move Cities and Towns*. The release continued that "NLC looks forward to working with the First Lady in encouraging local leaders to be proactive in their approach against childhood obesity."

Through its Institute for Youth, Education and Families, NLC works to combat childhood obesity by raising awareness among municipal leaders and providing them with tools and resources to make changes in their communities. Most recently, NLC and the Foundation for the Mid South, with support from Leadership for Healthy Communities, a national program of the Robert Wood Johnson Foundation, launched the Municipal Leadership for Healthy Southern Cities project. This initiative will help local officials in Arkansas, Louisiana and Mississippi advance policies to promote healthy eating and active living in order to reduce childhood obesity. NLC also recently collaborated with the American Association of School Administrators on a report, *Community Wellness: Comprehensive City-School Strategies to Reduce Childhood Obesity*. For more information on this NLC initiative visit [www.nlc.org/iyef](http://www.nlc.org/iyef).

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**RESOLUTION REFERRED TO ENVIRONMENTAL QUALITY POLICY COMMITTEE**

**◆3. RESOLUTION OPPOSING THE BOARD OF DIRECTORS' DECISION TO DEFER ACTION ON AB 32 AND SB 375 AND TO ADOPT THE BOARD-APPOINTED TASK FORCE RECOMMENDATIONS**

Source: Desert/Mountain Division

Referred to: Environmental Quality Policy Committee; Housing, Community & Economic Development Policy Committee; Revenue and Taxation Policy Committee; and Transportation, Communication & Public Works Policy Committee

Recommendations to General Resolutions Committee:

- ◆ Environmental Quality Policy Committee;
- ◆ Housing, Community and Economic Development Policy Committee;
- ◆ Revenue and Taxation Policy Committee;
- ◆ Transportation, Communication & Public Works Policy Committee;

WHEREAS, the Desert/Mountain Division of the League of California Cities has broad concerns about the economy; and

WHEREAS, these concerns extend both to the ability of cities to deliver vital public services and the viability of businesses which are critical to the State's economic recovery; and

WHEREAS, the Desert/Mountain Division of the League of California Cities is concerned that cities lack the resources to implement existing State mandates imposed at either the regional or local level; and

WHEREAS, the League of California Cities Board of Directors appointed a Task Force to craft a recommendation regarding AB 32 and SB 375, based upon the recommendations developed by four policy committees; and

WHEREAS, the Task Force recommended that the League of California Cities Board of Directors request specific actions by Governor Schwarzenegger and the California Air Resources Board to delay certain deadlines and take other actions with respect to AB 32 and SB 375; and

WHEREAS, the League of California Cities Board of Directors rejected the specific recommendations of the Task Force and four policy committees by deferring action on AB 32 and SB 375; and

WHEREAS, the Desert/Mountain Division of the League of California Cities wishes to file an official protest of the Board of Directors' decision to defer action on a position regarding AB 32 and SB 375; 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 of California Cities finds, determines and orders the adoption of the consolidated recommendations of four policy committees and the Board appointed Task Force, as follows:

1. Request that the Governor exercise his authority to delay individual AB 32 implementation deadlines.

2. Request that the California Air Resources Board take the following three actions:
  - Revisit and update economic and growth assumptions used to estimate 2020 business-as-usual emissions and recalculate AB 32 goal;
  - Consider local government costs in all future studies relating to AB 32 and SB 375; and
  - Request that the SB 375 targets be set in a way to reflect the economy and scarce local resources.
3. Support (but not sponsor) any legislation that would suspend or delay implementation of SB 375 until there is funding and resources in place to implement individual mandates and requirements associated with the bill; and, be it further,

RESOLVED, that the specific recommendations developed by the four policy committees and Task Force be considered by the General Assembly at the Annual Conference unless the Board of Directors reverses its deferred action stance on AB 32 and SB 375 and adopts the Task Force recommendations.

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**Background Information on Resolution No. 3**

**Source:** Desert/Mountain Division

**Title:** Resolution Opposing the Board of Directors Decision to Defer Action on AB 32 and SB 375 and to Adopt the Board-Appointed Task Force Recommendations

**Background:**

The Desert/Mountain Division adopted a Resolution formally opposing the Board of Directors decision to defer action on the Task Force's recommendations regarding AB 32 and SB 375. We took this action out of concern of the impact these regulations will have on our economy and our ability to serve our constituents, and do not want to be complicit by remaining silent on this issue.

The recommended revisions to the League's current positions on AB 32 and SB 375 were crafted by a Board-appointed Task Force after study of the issue by four League policy committees. The changes recommended specific actions by Governor Arnold Schwarzenegger and the California Air Resources Board to delay certain deadlines and take other actions with respect to AB 32 and to suspend or delay the implementation of SB 375 until state funding is provided for the implementation of its mandates.

The Desert/Mountain Division believes that the Board's decision to defer action on the specific recommendations developed by the four policy committees and Board-appointed Task Force does not represent the majority of the member cities. This Resolution is being presented for consideration by the General Assembly at the Annual Conference to allow the entire membership to weigh in on the decision of whether or not to adopt the Task Force recommendations regarding AB 32 and SB 375.

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**RESOLUTION REFERRED TO HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT  
POLICY COMMITTEE**

**◆3. RESOLUTION OPPOSING THE BOARD OF DIRECTORS DECISION TO DEFER  
ACTION ON AB 32 AND SB 375 AND TO ADOPT THE BOARD-APPOINTED TASK  
FORCE RECOMMENDATIONS**

Resolution #3 also referred to these policy committees: Environmental Quality; Revenue and Taxation; and Transportation, Communication & Public Works. **Please see Environmental Quality Policy Committee** section for the resolution and background information.

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**◆4. RESOLUTION RELATING TO RESPONSIBLE BANKING**

**Source:** Richard Alarcón, Council Member, Los Angeles and  
Karen Avilla, City Treasurer, Carson

**Referred to:** Housing, Community & Economic Development Policy Committee; and  
Revenue and Taxation Policy Committee

**Recommendation to General Resolutions Committee:**

- ◆ Housing, Community and Economic Development Policy Committee:
- ◆ Revenue and Taxation Policy Committee:

WHEREAS, cities strive to spend taxpayer dollars wisely on services; and

WHEREAS, cities invest taxpayer dollars with a range of institutions that provide financial service contracts each year; and

WHEREAS, it is important to ensure that taxpayer dollars are invested in institutions that are not just fiscally sound, but are committed to investing back into our communities, generating positive investment and lending in our cities; and

WHEREAS, cities can help support the nation's economic recovery by supporting financial institutions that in turn re-invest in our local communities; and

WHEREAS, the national Community Reinvestment Act, passed by the U.S. Congress in 1977, pioneered the use of transparent, responsible banking, by starting a federal rating system to measure banks' local lending and investment activity in the communities they take deposits from, providing accountability to the communities that institutions serve; and

WHEREAS, three decades have passed since the original passage of the Community Reinvestment Act (CRA), and due in part to the dramatic changes in the U.S. banking system since this time, CRA does not provide the level of detail needed for local municipalities to determine our financial partners' lending activity and investment within a single city alone; and

WHEREAS, on March 20, 2002, the City of Philadelphia signed into law a requirement that all banks authorized to receive deposits from the City submit an annual statement of community reinvestment goals within Philadelphia, including but not limited to a summary of the home loans, small business loans, and other lending and investment activity within Philadelphia, which independent studies

have confirmed has resulted in increased access to credit among Philadelphia's minority and low- and moderate-income communities; and

WHEREAS, the City of Cleveland enacted into law a similar Community Reinvestment Depository Ordinance in 1991, and since that time has negotiated over \$10 billion in lending commitments and investments through designated Community Reinvestment Initiative agreements with designated depository banks, with an independent study by the Brookings Institution confirming that compared to comparable midwestern cities Cleveland's CRA Ordinance has resulted in "more bang for the community development buck;" and

WHEREAS, on March 5, 2010, the Los Angeles City Council unanimously passed a Responsible Banking Initiative that requires financial institutions with which the City contracts to provide an annual "report card" detailing investment and lending activity within Los Angeles, to allow the City to reward institutions that re-invest in Los Angeles by adding extra points to these institutions' applications during the City's RFP process for financial service providers; and

WHEREAS, many municipalities could benefit from increased transparency about which of the financial institutions their city taxpayer dollars are invested in are in turn re-investing in their city's homes, businesses, and non-profits, which will allow cities to hold banks to a higher standard of re-investment by offering increased city business to those that are generating higher levels of investment, lending, and community service activity within their city; 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 of California Cities strongly encourages municipalities to require transparent, responsible banking from the financial institutions receiving city funds; and, be it further

RESOLVED, that the League of California Cities serve as a clearinghouse of information on the responsible banking initiatives of municipalities across the country, such as those of Philadelphia, Cleveland, Los Angeles and Carson, California; in order to help California cities interested in taking steps to increase transparent, responsible banking in their own communities.

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#### **Background Information on Resolution No. 4**

**Source:** Richard Alarcón, Council Member, Los Angeles and Karen Avilla, City Treasurer, Carson

**Title:** Resolution Relating to Responsible Banking

**Background:**

As a Councilmember from the City of Los Angeles and a Treasurer from the City of Carson, we know that stewards of public funds must strive to ensure that taxpayer dollars are invested in businesses and institutions that are not just fiscally sound, but committed to investing back into our communities.

On Friday, March 5, 2010, the Los Angeles City Council unanimously passed a Responsible Banking Initiative that Councilmember Alarcón introduced last year, which will require financial institutions with which the City of Los Angeles does business to provide an annual "report card" detailing the institution's investment and lending activity within the City.

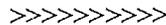
The purpose of the report card is to determine which institutions the City does business with are in turn reinvesting in the City, by extending credit to residents and businesses, and investing capital in

communities and development projects. The report card will allow policy makers to reward institutions with above average rates of impact in the City, while decreasing business with those institutions that do not recycle dollars back into the local economy.

This effort could be likened to a local version of the federal Community Reinvestment Act, by allowing local policymakers to review the community reinvestment activity of the financial institutions with which the City invests. It builds on the work of existing law in the cities of Philadelphia and Cleveland. Both the City of Philadelphia, in 2002, and the City of Cleveland, in 1991, passed laws requiring annual statements of community reinvestment goals from the institutions that manage their City deposits.

The City of Cleveland reports that, from 1991 through 2008, Cleveland has negotiated over 10 billion dollars in lending commitments and investments with designated depository banks as a result of their responsible banking law. In a 2003 report, the independent Brookings Institution compared three Midwestern cities and praised the City of Cleveland for achieving “more bang for their community development buck” through the use of their Community Reinvestment and other innovative City laws.

We owe it to the current and future residents of our Cities to ensure that taxpayer dollars are invested in responsible banking institutions that are creating opportunities for investment and lending in our communities. That’s why we urge the League of California Cities to encourage municipalities to require transparent, responsible banking from financial service providers. With the strength of our collective wallets combined, Cities will be sending a powerful message to banks: invest in us, and we will invest in you.



**RESOLUTIONS REFERRED TO REVENUE AND TAXATION POLICY COMMITTEE**

**◆3. RESOLUTION OPPOSING THE BOARD OF DIRECTORS DECISION TO DEFER ACTION ON AB 32 AND SB 375 AND TO ADOPT THE BOARD-APPOINTED TASK FORCE RECOMMENDATIONS**

Resolution #3 also referred to these policy committees: Environmental Quality; Housing, Community & Economic Development; and Transportation, Communication & Public Works. **Please see Environmental Quality Policy Committee** section for the resolution and background information.



**◆4. RESOLUTION RELATING TO RESPONSIBLE BANKING**

Resolution #4 also referred to the Housing, Community & Economic Development Policy Committee. **Please see the Housing, Community & Economic Development Policy Committee** section for the resolution and background information.



*- Continued, Revenue and Taxation Resolutions -*

**5. RESOLUTION RELATING TO UNFUNDED STATE MANDATES**

Source: City of Santa Clarita  
Referred to: Revenue and Taxation Policy Committee  
Recommendation to General Resolutions 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) for such things as bacteria, chloride, metals, and toxicity, and

WHEREAS, in order to meet the obligations imposed by Regional Water Quality Control Boards 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; and

WHEREAS, there appears to be no correlation between the imposition of state mandates, taxpayer funded resources to pay for the costs of state mandates, California's high unemployment rate, and the fiscal conditions of the State of California and local governments; 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; and
2. The League of California Cities petition the Governor of the State of California and Legislature of the State of California to suspend or eliminate certain state mandates until improvement of the national and California economy results in substantially lower statewide unemployment and fiscal solvency of the State of California and local governments; and
3. The League of California Cities work with Members of Congress and the government of the United States to suspend or eliminate certain federal mandates, passed along to the states for implementation, until the improvement of the national economy results in substantially lower national unemployment and fiscal solvency of the United States, the State of California and local governments; and
4. That the League of California Cities will support 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 or tax or fee increase is necessary to implement the mandate.

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**Background Information on Resolution No. 5**

**Source:** City of Santa Clarita

**Title:** Resolution Relating to State Unfunded Mandates

**Background:**

Reaching back at least forty years, local governments, including cities, counties and special districts, have struggled with mandates placed upon them by the State of California. Under California law, whenever the Legislature, Governor, or a state agency enacts a new law, executive order, regulation, or rule that requires a local government to implement a new program or provide a higher level of service to an existing program, the state shall reimburse the local agency for the increased cost.

Over the past two decades, the California Legislature has made a practice of borrowing, transferring, shifting, or otherwise conveying from local governments to the State of California, as part of the state budget balancing process, what have historically been considered local revenues. The failure of the State of California, for the most part, to repay these funds to local governments has led to ballot measures restricting the ability of the state to use local revenues to balance its continual budget deficit.

Against this backdrop, state regulatory agencies continue to impose requirements upon local governments, which may result in the need to increase local fees or taxes. Failure to implement the regulatory requirements may result in the imposition of substantial financial penalties, which must be paid for by the local government and ultimately, taxpayers or rate payers within the jurisdiction.

At a time when California's unemployment rate is in excess of 12%, which is well above the national unemployment rate, and California businesses are struggling to stay afloat in the worst national recession since the great depression of the 1930s, the question of regulatory relief must be considered.

For example, many communities throughout the State of California are facing establishment of Total Maximum Daily Load (TMDL) requirements for such things as bacteria, chloride, metals, and toxicity. While the environmental or other goals that are sought to be achieved are laudable, regulatory requirements must be sensitive to the overlaying statewide and national economic climate and the ability of local governments to pay for new programs and enhancements. In the Santa Clarita area, the Los Angeles Regional Water Quality Control Board, through imposition of a Chloride TMDL mandate and its required implementation, is causing local sanitation district ratepayers to pay a 50% fee increase over four years for increased operational and new facility expenses and committing to long term additional increases. Failure to approve the increase will likely invite substantial fines, totaling in the millions of dollars collectively for the ratepayers.

In a time of economic uncertainty and high unemployment, is it appropriate to require California taxpayers to pay for new regulatory requirements or is it reasonable to suspend or eliminate certain state mandates until such time as unemployment levels return to more traditional levels and national, state and local governments return to financial stability?

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**RESOLUTIONS REFERRED TO TRANSPORTATION, COMMUNICATION & PUBLIC WORKS POLICY COMMITTEE**

**♦3. RESOLUTION OPPOSING THE BOARD OF DIRECTORS DECISION TO DEFER ACTION ON AB 32 AND SB 375 AND TO ADOPT THE BOARD-APPOINTED TASK FORCE RECOMMENDATIONS**

Resolution #3 also referred to these policy committees: Environmental Quality; Housing, Community & Economic Development; and Revenue and Taxation. **Please see Environmental Quality Policy Committee** section for the resolution and background information.

**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  
Recommendation to General Resolutions 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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### **Background Information on Resolution No. 6**

**Source:** City of Elk Grove

**Title:** Resolution Relating to Enhancing Public Safety While Driving a Motor Vehicle

#### **Background:**

On September 24, 2008, the Governor of California, Arnold Schwarzenegger, signed Senate Bill 28 ("SB 28") into law. SB 28 is codified in section 23123.5 of the California Vehicle Code and prohibits any person from driving a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication. SB 28 complements an existing law which Governor Schwarzenegger signed in 2006 requiring motorists to use hands-free devices while talking on a mobile phone when driving a motor vehicle.

Many studies recognize that the distraction that occurs while using electronic devices while operating a motor vehicle is very dangerous:

- It is estimated that 28% of crashes — 1.6 million crashes per year — can be attributed to cell phone talking and texting while driving. (Source: National Safety Council)
- Drivers who use hand-held devices are four times as likely to get into crashes serious enough to injure themselves. (Source: Insurance Institute for Highway Safety)
- Using a cell phone while driving delays a driver's reactions as much as having a blood alcohol concentration at the legal limit of .08 percent. (Source: University of Utah)

Because the health and safety of the residents of Elk Grove is paramount to the members of the City Council; on May 12, 2010, the Elk Grove City Council unanimously adopted a resolution promoting awareness of the dangers of texting while driving. The City is embarking on an aggressive, yet economical, public outreach campaign to educate its residents about the dangers of texting while driving, which includes: educational links on the City's Web site, a flyer in the city's utility billing insert which reaches every household, free promotional items for residents specifically geared toward this topic, and a spotlight feature in the City's bimonthly newsletter.

Other cities in California are encouraged to enhance public safety in their community by educating residents about the dangers of texting while driving a motor vehicle. Educational outreach will benefit

drivers, passengers, by-standards, bicyclists, walkers and runners. Local governments have the ability to implement cost-effective educational tools to communicate with residents about this important public safety issue.

All local government officials and employees in California want to protect their families, themselves, and others. Please put down your phone when you are driving or use a hands-free device and do not text. It's safe and it's the law.

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**[NOTE: No resolutions were assigned to the following policy committees: Employee Relations and Public Safety.]**

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