

1400 K STREET  
SACRAMENTO, CA 95814  
PH: (916) 658-8200  
FX: (916) 658-8240



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WWW.CACITIES.ORG

October 6, 2008

To: Mayors, City Managers and Clerks in Non-Manager Cities, League Board  
of Directors

Re: 2008 Annual Conference Resolutions Final Report

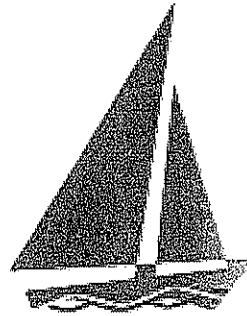
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Attached is the Final Report on Resolutions from our 110<sup>th</sup> Annual Conference held on September 24-27 in Long Beach. Included is the 2007 Annual Conference Resolutions Implementation Report.

This report is also available on the League's website at [www.cacities.org/resolutions](http://www.cacities.org/resolutions). Please feel free to make additional copies for distribution.

*League of California Cities*

FINAL  
RESOLUTIONS  
REPORT



*Sailing into the Future*  
League of California Cities Annual Conference

*General Assembly*  
*110<sup>th</sup> Annual Conference*

*Long Beach*  
*September 27, 2008*

**FINAL REPORT ON RESOLUTIONS**  
**September 2008**

The 2008 League of California Cities Annual Conference was held in Long Beach on September 24-27. On Wednesday, September 24, four League policy committees considered the four resolutions assigned to them that were included in the original resolutions packet, dated August 5, 2008. The General Resolutions Committee met on Friday, September 26, to consider the resolutions and the policy committees' recommendations. It also considered one qualified petitioned resolution, numbered Resolution 5.

The General Assembly of the League met on Saturday, September 27, and considered the four resolutions before it. Page 2 of this Final Report contains a chart which details the actions on each of the five resolutions and the text of the resolutions approved by the General Assembly.

In summary, Resolution 1 was amended by the General Assembly to delete the proposed addition of representatives from the four caucuses to the League Board of Directors. As amended, Resolution 1 was approved. Resolutions 2, 3 and 5 also were approved; Resolution 4 was referred to policy committees for further study in 2009.

This report also includes a status report on the implementation of the resolutions approved at the 2007 Annual Conference.

We thank those city officials who served as members of the policy committees and General Resolutions Committee that considered the resolutions, as well as those city officials who participated in the General Assembly.

Additional copies of this report are available on the League's Web site at:  
[www.cacities.org/resolutions](http://www.cacities.org/resolutions).

## KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned. Please note that two resolutions were 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 Amendments	Aa	A	Aa

### COMMUNITY SERVICES POLICY COMMITTEE

		1	2	3
◆2	2-1-1 California Telephone Service	Ra	-	-

### ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
3	Extension of Federal Section 45 Production Tax Credit	Aa	A	A
◆4	Comprehensive Statewide Water Infrastructure Plan	Aa	-	-

### HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT POLICY COMMITTEE

		1	2	3
◆4	Comprehensive Statewide Water Infrastructure Plan	R	R	R

### PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
◆2	2-1-1 California Telephone Service	A	A	A

**NOTE - NO RESOLUTIONS WERE ASSIGNED TO THESE POLICY COMMITTEES:**  
 Employee Relations; Revenue and Taxation; and Transportation, Communication & Public Works

### RESOLUTION INITIATED BY PETITION

		General Resolutions Committee Recommendation	General Assembly Action
5	Sober Living Homes	A	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  | 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  |

### ACTION FOOTNOTES

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

**+Note:** Petitioned Resolutions may not be amended by the General Resolutions Committee.

Resolutions that are approved by the General Resolutions Committee, as well as all qualified petitioned resolutions, are reported to the General Assembly. In addition, League policy provides the following procedure for resolutions approved by League policy committees but *not* approved by the General Resolutions Committee.

Every resolution initially recommended for approval and adoption by all the League policy committees to which the resolution is assigned, but subsequently recommended for disapproval, referral or no action by the General Resolutions Committee, shall then be placed on a consent agenda for consideration by the General Assembly. The consent agenda shall include a brief description of the bases for the recommendations by both the policy committee(s) and General Resolutions Committee, as well as the recommended action by each. Any voting delegate may make a motion to pull a resolution from the consent agenda in order to request the opportunity to fully debate the resolution. If, upon a majority vote of the General Assembly, the request for debate is approved, the General Assembly shall have the opportunity to debate and subsequently vote on the resolution.

# APPROVED 2008 ANNUAL CONFERENCE RESOLUTIONS

## 1. RESOLUTION RELATING TO LEAGUE BYLAWS AMENDMENTS

Source: League Board of Directors

Referred to: Administrative Services Policy Committee

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

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

WHEREAS, League staff and the Board's Executive Committee have identified various technical amendments and additions to the bylaws that: a) clarify how each city's population is determined for purposes of assessing dues and determining eligibility for Board seats, b) clarify the grounds for finding a directorship that has become vacant, c) clarify the effective date of a vacancy from League office, and d) make various minor technical amendments; and

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

1. Article IV, Section 1: Establishment of Dues
2. Article VII, Sections 2 (g) and (h): Composition of Board of Directors
3. Article VII, Section 3(a)(ii): Board of Directors Terms
4. Article VII, new subsection 6(f): Grounds for Vacancy in Directorship
5. Article X, Section 1(a): Listing of Existing Departments
6. Article XII, Section 2(b): Effective Date of Vacancy from League Office;

now, therefore, be it

RESOLVED, by the General Assembly of the League of California Cities assembled in Annual Conference in Long Beach, September 27, 2008, that the League make the technical additions and amendments to the League's bylaws by amending the above-referenced sections of the League bylaws, as indicated on Attachment A.

[Please see ATTACHMENT A for text of amended bylaws.]

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**ATTACHMENT A**  
**Amendments to League Bylaws Approved by Resolution 1**  
**Changes indicated by bold ~~strikeout~~ and underlining.**

**Article IV: Dues**

**Section 1: Establishment.**

The League Board establishes the League's dues annually according to city population. The population of each city is the most current population ~~used by the State Controller in making the most recent allocation of subventions to cities 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 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. Upon the recommendation of the Executive Director, the League Board may approve an alternative method for determining city population than is set forth in this Section.~~

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**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;<sup>1</sup>
- (b) The Immediate Past President who serves for a term of one year, immediately succeeding his or her term as President;
- (c) Ten Directors-at-Large,<sup>2</sup>
  - (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 Directors ~~which that~~ may be designated by the mayors of each of the eight largest cities in California to serve two-year terms.

<sup>1</sup> See Article VIII §3 for information about officer elections.

<sup>2</sup> See Article VII, §§ 4 and 5 for information about Director-at-Large elections. See also Article VII, § 6(c) relating vacancies of at-large directorships.

- (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 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. Upon the recommendation of the Executive Director, the League Board may approve an alternative method for determining city population than is set forth in this Section. For purposes of this section, city populations will be the population figures used by the State Controller in making the most recent allocation of subventions of cities.
- (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.

### Section 3: Staggered Terms.

The terms of the Directors are staggered, so that the terms of approximately one-half of the members of the League Board expire each year.

- (a) **Even-Numbered Year Terms.** The following directorship terms expire in even-numbered years:
- (i) **Departments.** Directors from the Fiscal Officers, Public Works Officers, Mayors and Council Members, Planning and Community Development, Fire Chiefs, and City Clerks departments;
  - (ii) **Divisions.** Directors from the Central Valley, Desert-Mountain, Imperial County, Monterey Bay, North Bay, Orange County, Redwood Empire, Sacramento Valley and San Diego County divisions; and
  - (iii) **At Large.** Directors from five of the ten at-large directorships.
- (b) **Odd-Numbered Year Terms.** The following directorship terms expire in odd-numbered years:
- (i) **Departments.** Directors from the City Attorneys, City Managers, Police Chiefs, Recreation, Parks and Community Services, and Personnel and Employee Relations departments;
  - (ii) **Divisions.** Directors from the Channel Counties, Inland Empire, ~~Desert Mountain~~, East Bay, Los Angeles County, Peninsula, Riverside County and South San Joaquin Valley divisions; and
  - (iii) **At Large.** Directors from five of the ten at-large directorships.

### Section 4: Election of Directors.

- (a) **Functional Department Directors.** Unless their respective functional department bylaws provide otherwise, Departmental Directors are elected by their respective departments at the Annual Conference.

- (b) **Regional Division Directors.** Unless their respective regional division bylaws provide otherwise, Regional Directors are elected at the regional division meeting immediately preceding the Annual Conference.
- (c) **At-Large Directors.** Directors-at-Large are elected by the League Board at its organization meeting.
- (d) **Commencement of Terms.** The term of office of all newly elected Directors commences immediately on the adjournment of the Annual Conference; however, the newly constituted League Board may meet prior to the adjournment of the Annual Conference for the purpose of organization.
- (e) **Additional Directors.** In the event of the creation of additional regional divisions or functional departments of the League, each regional division or functional department may elect a representative to the League Board. When a new functional department or regional division is created at any Annual Conference, the League Board may select a Director to represent such functional department or regional division until the entity organizes and elects a Director in the regular manner. The League Board may fix the initial term of any such Director from a new regional division or functional department at either one or two years, so as to keep the number of terms expiring on alternate years as nearly equal as possible.

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**Section 6: Vacancies.<sup>3</sup>**

- (a) **Functional Departmental Directorships.** In the event of a vacancy in a functional departmental directorship, the president of the department may become a member of the League Board or may appoint a member of his or her department to fill the vacancy.
- (b) **Regional Division Directorships.** If a vacancy occurs in the regional division directorship, the regional division in question may elect a new Director at the next regular meeting of the regional division.
- (c) **At-Large Directorships.** If a vacancy occurs in an at-large directorship, the League Board may elect a new Director to fill the vacancy at the next regular board meeting. The League president may nominate individuals for consideration by the League Board.
- (d) **Large City Directorships.** In the event of a vacancy in a large-city seat, that large city may designate a new representative.
- (e) **Terms.** The person elected or appointed to fill a vacancy holds office for the remainder of the term of the office in question (see Article VII, section 3).
- (f) **Grounds for Vacancy. A vacancy in a directorship shall occur due to resignation, a vacancy in elective or appointed office held by the director, or if the League Board determines the department or division that elected the director, or an appointed director, is not complying with these bylaws or the policies of the League Board.**

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<sup>3</sup> Note that League Board officer vacancies are filled as provided in Article VIII, section 4.

**Article X: Functional Departments**

**Section 1: Listing.**

(a) **Existing Departments.** The League includes the following functional departments:

- Mayors and Council Members
- City Attorneys
- Fiscal Officers
- Public Works Officers
- City Managers
- Planning and Community Development
- Police Chiefs
- Fire Chiefs
- ~~Recreation, Parks and Community Services~~ Community Services
- City Clerks
- Personnel and Employee Relations

(b) **New Departments.** Additional functional departments may be formed through an amendment to these bylaws (Article XVI).

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**Article XII: Qualifications to Hold Office and Vacancies**

**Section 2: Vacancies.**

(a) **Vacancy Defined.** A League office becomes vacant when an individual resigns, misses three consecutive convened meetings or leaves city service.<sup>4</sup>

(b) **Effective Date of Vacancy Caused by Leaving City Service.** The effective date of a vacancy caused by a departure from city service is ~~three months (92 days) after the date~~ an individual ceases to occupy the same or comparable city office as the individual had when the individual was elected or appointed to League office. Upon written request of the individual, the League Board may allow the individual to continue in the League office for a period not to exceed 3 months from the effective date of the vacancy, which time period may be extended by the Board upon a finding of good cause.

(c) **Effective Date of Resignations.** For the effective dates of resignations, see Article VII, section 7 (effective date of League Board resignations), Article IX, section 8 (effective date of regional division officer resignations), and Article X, section 2(f) (effective date of department officer resignations).

(d) **Filling Vacancies.** Vacancies will be filled as provided in these bylaws, see Article VII, section 6 (filling League Board vacancies), Article IX, section 7(d) (filling regional division officer vacancies), and Article X, section 2(d) (filling functional department officer vacancies).

(e) **Successor Terms.** An individual filling a vacancy serves the unexpired term of his or her predecessor.

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<sup>4</sup> See also Cal. Corp. Code §7221 (board may declare a director's seat vacant if a court declares the director of unsound mind or the director has been convicted of a felony).

◆2. RESOLUTION RELATING TO THE 2-1-1 CALIFORNIA TELEPHONE SERVICE

Source: Public Safety Policy Committee

Referred to: Community Services Policy Committee and Public Safety Policy Committee

WHEREAS, every hour of every day, someone in California seeks essential human and community services from the more than 1.5 million non-profit organizations in the United States, whether it is to find an after-school program, secure adequate care for a child or an aging parent, or connect with financial management or job training services; and

WHEREAS, with numerous agencies and help-lines, Californians may not know where to turn for assistance and could go without necessary services because they are unable to find help; and

WHEREAS, in times of disaster, demand increases dramatically for the most up-to-the-minute information on road closures, evacuations, shelters, and recovery resources, creating an additional burden on emergency response personnel and 9-1-1 telephone systems; and

WHEREAS, an alternate public information resource for non-emergency, human and community services needs would reduce the number of inappropriate calls to 9-1-1, alleviating demand on emergency response agencies; and

WHEREAS, the 2-1-1 California telephone service provides an easy to remember telephone number with free access to information 24 hours a day, 7 days a week, in over 100 languages, and connects people with important human and community services including rent assistance, food banks, affordable housing, health resources, child and elderly care, financial literacy and job training programs; and

WHEREAS, the 2-1-1 California telephone service facilitates the availability of a single repository where comprehensive information is collected, maintained, and updated regularly, reducing costs and duplication of efforts; and

WHEREAS, the reliable, consistent information provided through the 2-1-1 California telephone service helps to better assess the needs of California's communities and to immediately mobilize resources toward those needs; now, therefore, be it

RESOLVED, by the General Assembly of the League of California Cities assembled at the Annual Conference in Long Beach, September 27, 2008, that the League supports the 2-1-1 California telephone service as a non-emergency, human and community services and disaster information resource; and, be it further

RESOLVED, that the League of California Cities will collaborate with state and regional partners to continue the promotion of the 2-1-1 California telephone service throughout California.

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3. **RESOLUTION IN SUPPORT OF EXTENSION OF THE FEDERAL SECTION 45 PRODUCTION TAX CREDIT**

Source: City of Fort Bragg  
Referred to: Environmental Quality Policy Committee

WHEREAS, the State of California Renewable Portfolio Standard (RPS) law mandates that electric power generation goals for investor owned utility companies are 20% by 2010 from renewable sources; and,

WHEREAS, biomass power plants create electric power from renewable sources like forestry practices, timber product manufacturing, agricultural trimmings and urban wood waste; and,

WHEREAS, the federal Section 45 Production Tax Credit is due to expire on December 31, 2008, unless extended by Congress and the President, and this federal tax measure is essential to attracting capital to develop renewable energy technologies, including biomass power plants; now, therefore, be it

RESOLVED, by the General Assembly of the League of California Cities, assembled in Annual Conference in Long Beach, September 27, 2008, that the California Congressional Members and the President of the United States are urged to extend the federal Section 45 Production Tax Credit, as it has done five times in past years, beyond December 31, 2008; and, be it further

RESOLVED, that a copy of this resolution be provided to the President of the United States, to U.S. Senators Boxer and Feinstein and to each Member of Congress from the State of California.

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**PETITIONED RESOLUTION**

5. **RESOLUTION RELATING TO SOBER LIVING HOMES**

Source: City of Burbank

WHEREAS, state and federal law protects certain individuals recovering from problems related to alcohol to obtain needed access to residential settings that provide sober living facilities. California provides a formal program administered, highly regulated and licensed by the California Department of Alcohol and Drug Programs, "graduating" successful individuals to a more independent sober living environment, to live in a supportive environment at a sober living facility, which is neither licensed nor regulated by the state; and

WHEREAS, state and federal legislation and regulations have essentially eliminated the ability of California cities to provide reasonable regulation of sober living facilities with very little if any provision for state or federal regulation; and

WHEREAS, the inability of California cities to provide reasonable regulations of this use has led to unintended and significant negative impacts in many areas of the state and created the potential for these negative impacts in virtually every community in California. This lack of regulation has resulted in the degradation of the quality of life in residential areas and in the sober living facility as well; and

WHEREAS, the absence of regulating this use has led to overconcentration in some areas, which undermines the goals and protections afforded to any disabled individual by state and federal laws. This overconcentration results in segregating the facilities and, in turn, the individuals, precluding their exposure to an ordinary residential environment. At the same time, this unintended segregation is a de facto rezoning, without providing any due process or public input. Power to impose spacing restrictions between "sober living" homes could prevent this inappropriate segregation and de facto rezoning; and

WHEREAS, the inability to regulate this use encourages unscrupulous operators, who harm the individuals protected by the state and federal laws, and harm all other lawful businesses who are not allowed to conduct unfair business practices. The operators, many times, solely desire to maximize profits and fail to adequately screen occupants, oftentimes housing people who may not really qualify as protected individuals recovering from problems related to alcohol, with those who do qualify. Given that California currently has the highest foreclosure rate amongst the nation's top 100 largest metro areas according to RealtyTrac, cities anticipate an influx of sober living facilities moving into those otherwise unwanted homes, at very depressed prices. By adding checks and balances through city licenses and other regulations on the operator, fraud and other abusive activities could be prevented. Until then, important goals of the federal and state laws are being undermined, and unlawful business practices are being sanctioned; and

WHEREAS, the issues presented by the inability to regulate sober living homes are of statewide concern and are best suited by a statewide approach to a solution and, until then, various cities are embarking on attempts to address this issue locally, facing litigation or serious risks of litigation; now, therefore be it

RESOLVED, by the General Assembly of the League of California Cities assembled at Annual Conference in Long Beach, September 27, 2008, that the League will pursue an aggressive and comprehensive program to restore the ability of California cities to reasonably regulate sober living homes; and be it further

RESOLVED, that this program shall include, but not be limited to, seeking changes in state and federal legislation, providing a clear definition of what constitutes a sober living home and the preparation of model ordinances concerning the regulation of such uses.

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**APPROVED 2007 ANNUAL CONFERENCE RESOLUTIONS  
IMPLEMENTATION REPORT**

Res#	Title of Resolution	Required Action	Status
<b>Administrative Services Policy Committee</b>			
1	Renewal of League Grassroots Network Program	The League will continue to operate this program in accordance with the bylaws of the League of California Cities.	The Grassroots Network Program has continued to be an effective force for the League. This past year the Grassroots Network was vital in defeating Proposition 98 and passing Proposition 99, subsequently it was instrumental in passing sound and responsible eminent domain reform. The Grassroots Network also played a key role in mobilizing cities during a tough California Budget stalemate.
<b>Community Services Policy Committee</b>			
2	Healthy Aging	<p>1) The League will explore programs, infrastructure and funding for California cities addressing the needs of an aging population.</p> <p>2) The League will support the issue of planning for an aging population through education and conference programming to share ideas and develop a dialogue with elected officials throughout the state.</p>	League staff has successfully worked with the Institute for Local Government staff to create the Healthy Communities Web site, including education and helpful informational links pertaining to a city's aging population.
<b>Housing, Community &amp; Economic Development</b>			
3	Applying 300-Foot Distance Separation for All New Residential Care Facilities	The League will support state legislation to require a 300-foot separation for all new residential care facilities to the extent such legislation is consistent with federal law.	Per the 300-foot requirement: worked with the City of Los Angeles to find a sponsor for legislation, but legislation did not move. Supported AB 2903 (Huffman), which dealt with the related issue of "integrated facilities." Also, negotiated changes to SB 992 that would require state licensing of "adult recovery maintenance facilities."

# APPROVED 2007 ANNUAL CONFERENCE RESOLUTIONS IMPLEMENTATION REPORT

Res#	Title of Resolution	Required Action	Status
4	Public Safety Policy Committee Consolidation of Office of Emergency Services and Office of Homeland Security	<p>1) The League will provide appropriate representation in any and all blue ribbon committees, working groups, and other forums convened to ensure the effective implementation of AB 38, any subsequent legislation, or other efforts to consolidate the Office of Emergency Services and Office of Homeland Security.</p> <p>2) The League will send a letter to the Governor addressing in detail, the need for local government policy participation.</p>	<p>The League continued to support AB 38 and provide testimony as it moved through the legislative process. This included a request for signature letter that was sent to the Governor as soon as AB 38 was enrolled.</p> <p>Earlier in the year, the League provided a letter signed by Executive Director Chris McKenzie to Governor Schwarzenegger detailing the need to consolidate the two offices and include local government leaders in this process, either through AB 38 or any other subsequent legislation.</p>

**Note:** No Resolutions were assigned to these policy committees: Employee Relations; Environmental Quality; Revenue and Taxation; and Transportation, Communication & Public Works