



**NOTICE AND CALL OF SPECIAL MEETING
OF THE COVINA CITY COUNCIL/SUCCESSOR AGENCY TO THE COVINA
REDEVELOPMENT AGENCY/COVINA PUBLIC FINANCE AUTHORITY/COVINA
HOUSING AUTHORITY**

TO THE MEMBERS OF THE COVINA CITY COUNCIL AND TO THE CITY CLERK:

NOTICE IS HEREBY GIVEN that a special meeting of the Covina City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Finance Authority/Covina Housing Authority is hereby called to be held on Tuesday, August 7, 2012 at 5:30 p.m. in the Council Chamber located inside City Hall, 125 East College Street, Covina, CA 91723-2199.

Said special meeting shall be for the purpose of conducting business in accordance with the attached Agenda. No other business will be discussed.

Dated: Thursday, August 2, 2012

*/s/*Kevin Stapleton, Mayor of the City of Covina, California

AFFIDAVIT OF POSTING

I, Catherine M. LaCroix, Senior Deputy City Clerk, do hereby certify that the foregoing notice of special meeting was delivered via email, fax and/or hand delivered to each member of the Covina City Council; posted on the posting board at Covina City Hall as required by law; and faxed to the San Gabriel Valley Examiner and San Gabriel Valley Tribune; all on this 2nd day of August, 2012.

*/s/*Catherine M. LaCroix, Senior Deputy City Clerk



City of Covina/Successor Agency to the Covina
Redevelopment Agency/Covina Public Finance
Authority/Covina Housing Authority
Mayor Kevin Stapleton – Mayor Pro Tem Walter Allen, III
Council Members - Peggy Delach – John C. King – Bob Low

SPECIAL MEETING AGENDA
125 E. College Street, Covina, California
Council Chambers of City Hall
Tuesday, August 7, 2012
5:30 p.m.

- As a courtesy to Council/Agency/Authority Members, staff and attendees, everyone is asked to silence all pagers, cellular telephones and any other communication devices.
- Any member of the public may address the City Council, Successor Agency to the Covina Redevelopment Agency, Public Finance Authority and Housing Authority during both the public comment period and on any scheduled item on the agenda. Comments are limited to a maximum of five minutes per speaker unless, for good cause, the Mayor/Chairperson amends the time limit. Anyone wishing to speak is requested to submit a yellow Speaker Request Card to the City Clerk. Cards are located near the agendas or at the City Clerk's desk.
- Please provide 10 copies of any information intended for use at the City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Finance Authority/Covina Housing Authority meeting to the City Clerk prior to the meeting.
- **MEETING ASSISTANCE INFORMATION:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (626) 384-5430. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.
- **DOCUMENT AVAILABILITY:** Any writings or documents provided to a majority of the Council/Agency/Authority regarding any item on this agenda will be made available for public inspection at the City Clerk counter at City Hall located at 125 E. College Street and the Reference Desk at the Covina Library located at 234 N. Second Avenue during normal business hours. In addition, such writings and documents are available in the City Clerk's Office and may be posted on the City's website at www.covinaca.gov.
- If you challenge in court any discussion or action taken concerning an item on this Agenda, you may be limited to raising only those issues you or someone else raised during the meeting or in written correspondence delivered to the City at or prior to the City's consideration of the item at the meeting.
- The Senior Deputy City Clerk of the Covina City Council hereby declares that the agenda for the **August 7, 2012** Special City Council meeting was posted on **August 2, 2012** near the front entrance of the City Hall, 125 East College Street, Covina, in accordance with Section 54954.2(a) of the Government Code.

August 7, 2012

**SPECIAL CITY COUNCIL/
SUCCESSOR AGENCY TO THE
COVINA REDEVELOPMENT AGENCY/COVINA PUBLIC FINANCE
AUTHORITY/COVINA HOUSING AUTHORITY
JOINT MEETING—OPEN SESSION
5:30 p.m.**

CALL TO ORDER

ROLL CALL

Council/Agency/Authority Members Delach, King, Low, Mayor Pro Tem/Vice Chairperson Allen, and Mayor/Chairperson Stapleton

PLEDGE OF ALLEGIANCE

Led by Police Chief Raney

PRESENTATIONS

November 11, 2012 Veteran's Day event

PUBLIC COMMENTS

To address the Council/Agency/Authority please complete a yellow speaker request card located at the entrance and give it to the City Clerk/Agency/Authority Secretary. Your name will be called when it is your turn to speak. Those wishing to speak on a LISTED AGENDA ITEM will be heard when that item is addressed. State Law prohibits the Council/Agency/Authority Members from taking action on any item not on the agenda. Individual speakers are limited to five minutes each.

CONSENT CALENDAR

All matters listed under consent calendar are considered routine, and will be enacted by one motion. There will be no separate discussion on these items prior to the time the Council/Successor Agency to the Covina Redevelopment Agency/Public Finance Authority/Housing Authority votes on them, unless a member of the Council/Agency/Authority requests a specific item be removed from the consent calendar for discussion.

- CC 1.** City Council consider the designation of voting delegate and alternate for the League of California Cities Annual Conference and provide direction on the Conference Resolutions.
- CC 2.** Successor Agency to the Covina Redevelopment Agency to review and approve the updated Recognized Obligation Payment Schedule (ROPS3) covering January 1, 2013 through June 30, 2013 and direct it be provided to the Successor Agency Oversight Board for consideration and approval.

CONTINUED BUSINESS

CB 1. City Council to declare the results of the property owner protest ballot proceedings for Covina Citywide Lighting District No. 1.

Staff Recommendation:

- 1) City Council to receive and file the results of the property owner ballot protest tabulation on Wednesday, July 18, 2012, and adopt **Resolution No. 12-7089**, declaring the results of the property owner ballot protest proceedings conducted for the proposed levy of assessments related to the formation of the Covina Citywide Lighting District No. 1, commencing in fiscal year 2012/2013.

ADJOURNMENT

The Covina City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Finance Authority/Housing Authority will adjourn to the regular meeting to be held on **Tuesday, August 21, 2012** at 6:30 p.m. for closed session and 7:30 p.m. for open session in the Council Chamber of City Hall, 125 East College Street, Covina, California, 91723.

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: August 7, 2012

ITEM NO.: CC 1

STAFF SOURCE: Daryl J. Parrish, City Manager *P*
Mary Lou Walczak, Executive Assistant to the City Manager

ITEM TITLE: Designation of voting delegate and alternate for the League of California Cities Annual Conference

STAFF RECOMMENDATION

Designate a voting delegate and alternate from those members who will be attending the 2012 League of California Cities Annual Conference.

FISCAL IMPACT

No direct fiscal impact for this action. The 2012-2013 City Council Budget has allocated funds for the Mayor and City Council members to attend this conference.

BACKGROUND

Annually, the League of California Cities requests that city councils designate voting delegates for the annual conference. This year the Annual League Conference is scheduled for September 5 – 7, 2012 at the San Diego Convention Center

Cities should be represented at the League's General Business Session as consideration of and a vote on the resolutions presented by the Resolutions Committee will take place at this Annual Business Meeting. The Business Meeting/General Session is currently scheduled for Friday, September 7, 2012.

To expedite the conduct of business at the League Conference, the City Council is requested to designate a voting delegate and an alternate who will be present at the business session. The League Constitution provides that each city is entitled to one vote in matters affecting municipal and League policy.

If the Mayor or a member of the City Council is in attendance at the Conference, it is expected that one of these officials will be designated as the voting delegate. The Mayor has historically been appointed as voting delegate to the League with either the Mayor Pro Tem or a Council Member serving as alternate. The voting delegate may pick up the City's voting card at the League registration area.

RELEVANCE TO THE STRATEGIC PLAN

None

Resolutions referred to the Public Safety Policy Committee

Resolution #1 (Source City of Glendora)

Resolution requesting that the Governor and Legislature enact legislation to correct inefficiencies in the audit system, distribution system and inequities in the formulas for distributing court ordered arrest and citation fines, fees and assessments generated by local government.

Short Synopsis: This is a resolution addressing the inequities and inefficiencies in the amount cities receive in relation to the full cost of a citation and/or arrest which results in an unfair distribution of revenues to cities that are generated by court fines, penalties and assessments levied on offenders. Since the cost involved to implement enforcement falls primarily on local government in order for laws to be effectively enforced then cities must have fair revenue structure to pay the costs of making arrests and issuing citations. The resolution also requests that an efficient system be created that provides cities with a clear authority to audit the distribution of fines, fees assessments and administrative costs for criminal and traffic violations.

The City of Glendora provides an example where a sample audit was conducted for 15 citations issued in 2010. The results of this review indicated that the percentage breakdown in revenue collected was approximately 13% for the city and 87% for the state and county. Also noted was the cost to the city of issuing a citation ranges between \$82 and \$217 while the sample audit revealed a cost recovery of only \$21.

Under the current scenario when the court reduces a fine it triggers a process called “priority distribution” where the only discretion judges have in reducing a fine is to reduce the base fine or the city portion of the fine so cities often find themselves receiving significantly less share or no share after deducting state and county fees and charges while at the same time the primary cost to implement enforcement falls upon local government.

League Position

Create an efficient system to provide cities clear authority to audit the distribution of fines, fees and assessments for traffic and criminal citations, enact legislation that changes the “priority distribution mandate and that any reduction in fines, fees and assessments be equally distributed from the total fee imposed not just the city base fine.

Potential Impact on Covina

Potential positive fiscal impact for the City of Covina as a more equitable share of fines, fees and assessments would be distributed to the city and when said fines, fees and assessments are reduced state and county agencies would also see reductions to the portion that they collect not the city base fine. This resolution would also increase transparency in that currently cities have no clear legal standing to access court records for the purpose of conducting audits in a thorough and transparent manner which shrouds the understanding of when and how revenue is distributed.

Resolution #2 (Source-San Diego County Division LCC)

Resolution raising public awareness and supporting tougher laws related to internet crimes against children

Short Synopsis: This resolution suggests that tougher laws, stronger sentences, changes to court rules and increased public awareness is necessary when it comes to internet crimes against children.

This resolution calls for all child pornography charges to become straight felonies (currently some are misdemeanors), stronger sentencing more in line with federal sentencing, tougher discovery statutes, changes to pornography evidence rules, stronger disclosure laws regarding prior convictions, updated reporting laws, permanent funding for Internet Crimes Against Children Task Forces and increased public awareness.

League Position

The League believes that the children of California must be recognized as our state's most valuable resource. Their development, education and wellbeing are the key to our state's future. Further it is essential that each child have the support needed to become a productive citizen in the world of the 21st Century.

Potential impact on Covina

Unknown fiscal impact. Because of the rapid development of the internet and its accessibility to almost everyone it is important that children and youth be protected from predators using the internet to gain access to them. Statistics show that over the past two decades the internet has been used repeatedly to victimize children with over 624,000 child pornography users identified nationwide. While this problem is far beyond the scope of the City of Covina it is imperative that law enforcement in Covina and elsewhere be given the tools to aggressively address this matter through tougher laws, stricter sentencing, stronger disclosure laws, and increased public awareness.

Finally, in most instances when the legislature takes into consideration a fine increase, be it for manufacturer product responsibility or criminal acts, the legislature focuses on how the increased fine will alter behavior, not on recovering the costs of enforcing that violation.

Resolution #5 (Source-LCC Public Safety Policy Committee)

Resolution calling for an emergency management mission for California Cities

Short Synopsis: This resolution seeks to create a clear statement of support for emergency preparedness in the LCC existing policy and guiding principles. Specifically, it requests that the League encourages cities to actively pursue employee and resident emergency preparedness and to engage residents in emergency preparedness programs creating a family plan that includes provisions for supplies of food and water, in the promotion of self-reliance, with the ultimate goal of creating "disaster resilient" cities.

League Position

There is no explicit statement of support in the League's existing policy or guiding principles related to this subject however many articles in the League's magazine *Western Cities* have featured case studies and best practices about emergency response and disaster preparedness. This topic has been a key component of the LCC Public Safety Policy Committee's work program for the last 5 years.

Potential Impact on Covina

Unknown fiscal impact. The resolution itself does not create additional costs or new requirements for cities. There could be costs associated with public education and outreach with regards to disaster preparedness but said costs could be offset by future damage and loss of life or injury due to preparedness efforts.

Resolutions referred to the Environmental Quality Policy Committee

Resolution #3 (Source-City of Needles)

Resolution encouraging California cities to oppose the California Desert Protection Act of 2011

Short Synopsis: The California Desert Protection Act of 2011 (S. 138) is federal legislation proposed by Senator Dianne Feinstein which would provide for conservation, enhanced recreational opportunities and development of renewal energy in the California Desert Conservation Area. The measure would create two new national monuments, add adjacent lands to Joshua Tree National Park, Death Valley National Park and Mohave National Preserve, protect nearly 76 miles of waterways, designate 5 new wilderness areas, designate 250,000 acres of BLM wilderness near Fort Irwin, enhance recreational opportunities and designate 4 existing off-highway vehicle areas in the California Desert as permanent.

League Position

None stated as existing league policy offers no specific policy on this issue.

The paramount issues outlined in the resolution are that this act would remove an additional 1.6 million acres of BLM land out of potential development including mining exploration by designating two new National Monuments and an additional 800,000 acres out of private ownership. This legislation would essentially reserve all desert lands in California for military use, national parks, wilderness, Indian reservations and other types of restricted land management. These public lands have long supported a range of beneficial uses and efforts have already been made to protect desert inhabitants. The concern is that this act will impede the public's ability to use and enjoy it.

Potential Impact on Covina

None. Could be viewed as a local control issue where federal legislation should not be enacted that is not in sync with the will of the majority of desert inhabitants and/or those who visit and recreate in affected desert areas.

Resolution #4(Source-City of Needles)

Resolution requesting consideration of suspension of implementing or revision of the California Global Warming Solutions Act (AB 32 of 2006)

Short Synopsis: AB 32 passed in 2006 requires the State to reduce greenhouse gas emissions to 1990 levels by 2020. The issues raised by the sponsor of this resolution include that there are a variety of federal regulations regarding greenhouse gasses that have the potential to conflict both directly and in due to their implementation with regulatory measures to implement AB32 and that the economic damage as it relates to industry and jobs leaving California as a result of the costs of implementing AB32 need to be evaluated first thus AB32 should be suspended or revised until said conflicts are resolved and economic consequences are evaluated.

This matter was hotly contested at the League of California Cities Conference in 2010 where a vibrant debate was conducted primarily along the lines of environmentalist focus cities against cities focused on industry and job creation. The resolution proposed at that time to suspend the implementation of AB32 did not pass.

League Position

With regards to **air quality** the League believes cities should have the authority to establish local air quality standards and programs that are stricter than federal or state standards and opposes efforts to restrict such authority. The League opposes legislation redirecting funds authorized by HSC Section 44223 which are currently used by local government for locally based air quality programs and the League opposes air quality legislation that restricts the land use authority of cities. With regard to **climate change** the League recognizes that climate change is both immediate and long term with the potential for profound environmental, social and economic impacts to California and beyond. Through AB32 California has embarked on a plan that requires the reduction of greenhouse gas emissions to 1990 levels by 2020. Although uncertainty remains about the pace, distribution and magnitude of the effects of climate change; the League recognizes the need for immediate actions to mitigate sources of greenhouse gas emissions and has adopted principals accordingly.

Potential Impact on Covina

Since 2006 when AB32 passed measures of interest to cities include: voluntary local government 15% reduction in greenhouse gas emissions; regional transportation related gas targets; landfill methane control; and green building codes. Implementing regulations locally does cost business and industry money and may be encouraging them to locate outside of Covina, the Los Angeles Basin and California.



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

July 12, 2012

TO: Mayors, City Managers and City Clerks
League Board of Directors

RE: Annual Conference Resolutions Packet
Notice of League Annual Meeting

Enclosed please find the 2012 Annual Conference Resolutions Packet.

Annual Conference in San Diego. This year's League Annual Conference will be held September 5 - 7 at the San Diego Convention Center in San Diego. 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. We look forward to welcoming city officials to the conference.

Annual Luncheon/Business Meeting - Friday, September 7, 12:00 p.m. The League's Annual Business Meeting will be held at the San Diego Convention Center.

Resolutions Packet. At the Annual Conference, the League will consider the five resolutions introduced by the deadline, Saturday, July 7, 2012, midnight. 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 website for your convenience: www.cacities.org/resolutions.

The 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.

**Please Bring This Packet to the Annual Conference
September 5 - 7 — 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, five resolutions have been introduced for consideration by the Annual Conference and referred to the League policy committees.

POLICY COMMITTEES: Three policy committees will meet at the Annual Conference to consider and take action on resolutions referred to them. The committees are Environmental Quality, Public Safety, and Revenue & Taxation. These committees will meet on Wednesday, September 5, 2012, at the San Diego Marriott Marquis & Marina Hotel in San Diego. 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 other policy committees *may* also be meeting: Administrative Services and Employee Relations. Administrative Services will meet pending League Board (July 19 & 20) action to determine whether the committee will review any November General election ballot initiatives. Employee Relations will meet if the Legislature acts on pension reform in August. If pension reform is passed, the committee will meet to discuss the details of the proposal. For now, please plan to attend the meeting at the Annual conference. If for some reason this changes, League staff will send an email notifying the committee.

Three policy committees will *not* be meeting at the annual conference. These committees are: Community Services; Housing, Community & Economic Development; and Transportation, Communication, & Public Works.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, September 6, at the San Diego Convention Center, to consider the reports of the three policy committees regarding the five 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. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:00 p.m. on Friday, September 7, at the San Diego Convention Center.

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 12:00 p.m., Thursday, September 6. 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.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@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 5, 2012
San Diego Marriott Marquis & Marina Hotel
333 W. Harbor Drive, San Diego**

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

9:00 a.m. – 10:30 a.m.	Environmental Quality; Revenue and Taxation
10:30 a.m. – 12:00 p.m.	Public Safety

**TENTATIVE POLICY COMMITTEE MEETINGS AT ANNUAL CONFERENCE
TO DISCUSS OTHER ISSUES**

9:00 a.m. – 10:30 a.m.	Administrative Services
10:30 a.m. – 12:00 p.m.	Employee Relations

Note: These policy committees will ***NOT*** meet at the Annual Conference:
Community Services
Housing, Community & Economic Development
Transportation, Communication & Public Works



**General Resolutions Committee
Thursday, September 6, 2012, 1:00 p.m.
San Diego Convention Center**



**Annual Business Meeting and General Assembly Luncheon
Friday, September 7, 2012, 12:00 p.m.
San Diego Convention Center**

**IV.
KEY TO ACTIONS TAKEN ON RESOLUTIONS**

Resolutions have been grouped by policy committees to which they have been assigned. **Please note that one resolution has been assigned to more than one committee. This resolution is 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

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
3	Desert Protection Act			
4	Global Warming			

PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
♦1	Fines and Forfeitures			
2	Internet Crimes Against Children			
5	Emergency Management Mission for California Cities			

REVENUE AND TAXATION POLICY COMMITTEE

		1	2	3
♦1	Fine and Forfeitures			

Please note: These committees will ***NOT*** meet at the annual conference: Community Services; Housing, Community & Economic Development; and Transportation, Communication & Public Works

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

KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

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.
2012 ANNUAL CONFERENCE RESOLUTIONS

RESOLUTIONS REFERRED TO ENVIRONMENTAL QUALITY POLICY COMMITTEE

3. RESOLUTION ENCOURAGING CALIFORNIA CITIES TO OPPOSE THE CALIFORNIA DESERT PROTECTION ACT OF 2011

Source:City of Needles

Referred To: Environmental Quality Policy Committee

Recommendation to General Resolutions Committee:

WHEREAS, in 1993 Senator Diane Feinstein introduced the California Desert Protection Act of 1994 which became federal law and was passed by the United States Congress on October 8, 1994, and

WHEREAS, this act established the Death Valley and Joshua Tree National Parks and the Mojave National Preserve in the California desert; and

WHEREAS, this act designated 69 wilderness areas as additions to the National Wilderness Preservation System within the California Desert Conservation Area (CDCA), the Yuma District, the Bakersfield District, and the California Desert District of the Bureau of Land Management permits grazing in such areas; and

WHEREAS, the Act abolished Death Valley National Monument, established in 1933 and 1937, and incorporated its lands into a new Death Valley National Park administered as part of the National Park System. Grazing of domestic livestock was permitted to continue at no more than the then-current level. The Act also required the Secretary of the Interior to study the suitability of lands within and outside the boundaries of the park as a reservation for the Timbisha Shoshone Tribe; and

WHEREAS, the Act abolished Joshua Tree National Monument, established in 1936, and incorporated its lands into Joshua Tree National Park; and

WHEREAS, the Act established the Mojave National Preserve, consisting of approximately 1,419,800 acres (5,746 km²; 2,218.4 sq mi), and abolished the East Mojave National Scenic Area, which was designated in 1981. The preserve was to be administered in accordance with National Park System laws. Hunting, fishing and trapping were permitted as allowed by federal and state laws, with certain exceptions. Mining claims were governed by the National Park System laws, and grazing was permitted to continue at no more than the then-current level; and

WHEREAS, the Act required the Secretary of the Interior to ensure that American Indian people have access to the lands designated under the Act for traditional cultural and religious purposes, in recognition of their prior use of these lands for these purposes. Upon the request of an Indian tribe or religious community, the Secretary must temporarily close specific portions to the general public to protect the privacy of traditional cultural and religious activities; and

WHEREAS, flights by military aircraft over the lands designated by the Act were not restricted or precluded, including over flights that can be seen or heard from these lands; and

WHEREAS, Congress found that federally owned desert lands of southern California constitute a public wildland resource of extraordinary and inestimable value for current and future generations; these desert wildlands have unique scenic, historical, archeological, environmental, ecological, wildlife, cultural,

scientific, educational and recreational values; the California desert public land resources are threatened by adverse pressures which impair their public and natural values; the California desert is a cohesive unit posing difficult resource protection and management challenges; statutory land unit designations are necessary to protect these lands; and

WHEREAS, Senator Dianne Feinstein, author of the 1994 California Desert Protection Act has introduced legislation “California Desert Protection Act of 2011” that will set aside new land in the Mojave Desert for conservation, recreation and other purposes; and

WHEREAS, the proposed legislation will take AN ADDITIONAL 1.6 million acres of Bureau of Land Management land out of potential development, including mining exploration, by designating two new “National Monuments”, one adjacent to the Mojave National Preserve which will take 1.5 million acres out of BLM multiple use in addition to 800,000 acres out of private ownership and one adjacent to the Joshua Tree National Park; and

WHEREAS, this legislation will result in just about every square inch of the desert spoken for, either for military use, national parks, wilderness and special conservation areas, Indian reservations and other types of land management (half of the lands under BLM management are protected under wilderness or special conservation area restrictions); and

WHEREAS, projects, such as California mandated solar energy development, that would disturb or destroy habitat must make up for that loss by purchasing private habitat at ratios of at least three acres for every one acre disturbed; and

WHEREAS, at that rate, even in the nation’s largest county, San Bernardino, just three solar projects on federal land will require an amount of private land acquisition of 22,000 acres, or roughly 34 square miles, land will come off of the county’s tax rolls and we will literally run out of mitigation land after a handful of projects; and

WHEREAS, the Federal Energy Policy Act of 2005 requires that 10,000 megawatts of renewable energy be generated on public land in the west. To meet California’s mandate of having 33 percent of our energy come from renewable sources, it requires more that 20,000 megawatts of production and they are looking mainly at public lands. If we approve that much solar, the result would be a regulatory lockdown on the rest of the Desert by the Federal Fish and Wildlife Service and the State Department of Fish and Game; and

WHEREAS, the Desert Protection Act of 1994 encompassed 1.5 million acres or 2,218.4 square miles plus an additional 800,000 acres of private land or 1,250 square miles; Fort Irwin, 1,000 square miles; 29 Palms Marine Base, 931.7 square miles and they have also applied for an additional 420,000 acres in 2008, or 659.375 square miles totaling 6,059.48 square miles; and

WHEREAS, the California Desert Protection Act of 2011 will take OVER 2,300 square miles, not including the acreage of wilderness located outside any of the above mentioned areas (this total mileage would roughly encompass Rhode Island, Delaware, and Connecticut); and

WHEREAS, these public lands have long supported a range of beneficial uses and efforts have been made to protect the desert inhabitants. Let’s not destroy the desert or our ability to use and enjoy it.

NOW, THEREFORE, BE IT RESOLVED, by the General Assembly of the League of California Cities assembled at the Annual Conference in San Diego, September 7, 2012, that the

League encourages California cities to adopt resolutions in opposition to the California Desert Protection Act of 2011.

//////////

League of California Cities Staff Analysis

Staff: Kyra Ross, Legislative Representative, (916) 658-8252
Committee: Environmental Quality Policy Committee

Summary:

This resolution encourages California cities to oppose the California Desert Protection Act of 2011.

Background:

The California Desert Protection Act of 2011 (S. 138) is legislation proposed by Senator Dianne Feinstein which would provide for conservation, enhanced recreation opportunities, and development of renewable energy in the California Desert Conservation Area. The Measure would:

- Create two new national monuments: the 941,000 acres Mojave Trails National Monument along Route 66 and the 134,000 acres Sand to Snow National Monument, which connects Joshua Tree National Park to the San Bernardino Mountains.
- Add adjacent lands to Joshua Tree National Park, Death Valley National Park and Mohave National Preserve;
- Protect nearly 76 miles of waterways;
- Designate five new wilderness areas;
- Designate approximately 250,000 acres of Bureau of Land Management wilderness areas near Fort Irwin;
- Enhance recreational opportunities; and,
- Designate four existing off-highway vehicle areas in the California Desert as permanent.

S. 138 is a re-introduction of S. 2921, the California Desert Protection Act of 2010 which is now dead. S. 138 was introduced in January 2011 and was referred to the Senate Committee on Energy and Natural Resources. The measure has not yet been set for hearing by the Committee.

Fiscal Impact:

Unknown. No direct fiscal impact to city general funds.

Existing League Policy:

The League's Mission Statement is "to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians."

Specific to this Resolution, existing policy offers no specific policy on this issue.

The League's Strategic Priorities for 2012, as adopted by the League Board of Directors, include:

2) Promote Local Control for Strong Cities: Support or oppose legislation and proposed constitutional amendments based on whether they advance maximum local control by city governments over city revenues, land use, redevelopment and other private activities to advance the public health, safety and welfare of city residents.

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4. RESOLUTION REQUESTING CONSIDERATION OF SUSPENSION OF IMPLEMENTATION OR REVISION OF THE CALIFORNIA GLOBAL WARMING SOLUTIONS ACT (AB 32 of 2006)

Source: City of Needles

Referred to: Environmental Quality Policy Committee

Recommendation to General Resolutions Committee:

WHEREAS, in 2006 the California Legislature adopted the California Global Warming Solutions Act, commonly referred to as AB 32 (Health & Safety Code §§38500 et seq.); and

WHEREAS, AB 32 aims to reduce California's greenhouse gas emissions (GHGs) to 1990 levels by 2020 (Health & Safety Code §38550) and to 80 percent below 1990 levels by 2050; and

WHEREAS, the California Air Resources Board (CARB) is the government agency charged with determining how the AB 32 goals will be reached (Health & Safety Code §38510); and

WHEREAS, CARB's implementation of AB32 aims to reduce California's GHG emissions by 169 million metric tons of carbon dioxide equivalent (MMTCO₂E) through a variety of strategies, including sector-specific regulations, market mechanisms, voluntary measures, fees, incentives and other policies and programs; and

WHEREAS, there are portions of the state that have been designated as nonattainment for the national ambient air quality standards (NAAQS) for Ozone and PM, nonattainment for state ambient air quality standards (SAAQS) for Ozone, PM, Sulfates and Hydrogen Sulfide, and identified by CARB pursuant to as overwhelmingly impacted by transported air pollution from upwind air basins; and

WHEREAS, areas designated nonattainment are mandated under the provisions of the Federal Clean Air Act (FCAA) to require pursuant to New Source Review (NSR) rules, Best Available Control Technology (BACT) and offsetting emissions reductions (Offsets) on major new or modified stationary sources of those nonattainment air pollutants and their precursors (42 U.S.C. §§7502(c)(5), 7503) regardless of whether or not the area so designated has any control or not over the pollution causing the nonattainment finding; and

WHEREAS, the United States Environmental Protection Agency (USEPA) has requested that a program be developed to implement the Prevention of Significant Deterioration (PSD) which will require additional analysis for new or modified sources of attainment pollutants including but not limited to greenhouse gases, which will also necessitate emissions reductions and BACT in some cases for attainment pollutants; and

WHEREAS, due in part to the limited number of existing sources of air pollutants and the overwhelming impact of transport some or a majority of the cities have few if any available emissions reductions available to provide such offsets; and

WHEREAS, many technologies used to attain BACT levels of air pollution control are based upon the combustion of fossil fuels which also causes emissions of GHGs; and

WHEREAS, there are a variety of Federal regulations promulgated and proposed by the USEPA regarding greenhouse gasses that have the potential to conflict both directly and in their implementation with regulatory measures to implement AB32 as adopted and proposed by CARB; and

WHEREAS, there are a variety of other mandates and regulations at the State level (municipal waste diversion, renewable energy mandate etc.) which have the potential to conflict both directly and in due to their implementation with regulatory measures to implement AB32 as adopted and proposed by CARB; and

WHEREAS, such conflicts severely impede the cities or state as well as regulated industry efforts to comply with both the applicable Federal regulations and regulations implementing AB32; and

WHEREAS, the existing and proposed regulations on both the State and Federal level result in an overall regulatory structure that is inconsistent and confusing making it virtually impossible or incredibly slow to start any new large scale projects within the State at a time where California infrastructure and its economy are in most need of refurbishment; and

WHEREAS, the existing and proposed regulations and unclear guidelines will also make it more difficult for smaller, pollution transport impacted air districts like the MDAQMD, to properly implement and enforce the regulations;

NOW, THEREFORE, BE IT RESOLVED, by the General Assembly of the League of California Cities assembled at the Annual Conference in San Diego, September 7, 2012, that the League encourages the existing 482 California cities to adopt resolutions requesting a suspension of the implementation of some, if not all, the regulations promulgated under the California Global Warming Solutions Act (AB 32 of 2006) until such time as the legal and regulatory inconsistencies can be resolved; and

BE IT FURTHER RESOLVED, that California cities request the California Air Resources Board and other applicable state agencies examine the impact of the regulations promulgated pursuant to AB 32 and for potential direct and indirect conflict with other existing regulations at both the State and Federal level including but not limited to the potential for gains in one area to jeopardize progress in another; and

BE IT FURTHER RESOLVED, that California cities request the California Air Resources Board and other applicable state agencies examine the overall economic impact of the regulations promulgated pursuant to AB 32 and their interaction with other existing regulations with emphasis upon the potential for job and other economic activity "flight" from California; and

BE IT FURTHER RESOLVED, that California cities request the State of California by and through its Governor, Legislature, and applicable state agencies should encourage the resolution of internal conflicts between and among existing Federal programs by supporting items including but not limited to: reopening the Federal Clean Air Act, New Source Review Reform, and efforts to regulate GHGs under a comprehensive Federal program.

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League of California Cities Staff Analysis on Resolution No. 4

Staff: Kyra Ross, Legislative Representative, (916) 658-8252
Committee: Environmental Quality Policy Committee

Summary:

This resolution encourages California cities to:

- 1.) Adopt resolutions requesting the suspension of the implementation of some, if not all, the regulations promulgated under the California Global Warming Solutions Act (AB 32) until such time as the legal and regulatory inconsistencies can be resolved;
- 2.) Asks cities to request the California Air Resources Board (CARB) and other applicable state agencies examine the impact of the regulations promulgated pursuant to AB 32, and for potential conflict with other existing regulations at both the State and Federal level including, but not limited to, the potential for gains in one area to jeopardize progress in another; and,
- 3.) Asks cities to request the CARB and other applicable state agencies examine the overall economic impact of the regulations promulgated pursuant to AB 32 and their interaction with other existing regulations with emphasis upon the potential for job and other economic activity “flight” from California; and,
- 4.) Asks cities to request the State to encourage the resolution of internal conflicts between and among existing Federal programs by supporting items, including but not limited to:
 - a. Reopening the Federal Clean Air Act;
 - b. New Source Review Reform; and,
 - c. Efforts to regulate greenhouse gas emissions under a comprehensive federal program.

Background:

AB 32 passed in 2006 and requires the State to reduce greenhouse gas emissions to 1990 levels by 2020. As the implementing agency, CARB developed and passed a Scoping Plan in 2008, outlining emission reduction measures to help the state meet its statutory reduction of greenhouse gas emissions. Since 2008, a number of measures outlined in the Scoping Plan have been implemented. Measures of interest to cities include: voluntary local government 15% reduction in greenhouse gas emissions; regional transportation-related greenhouse gas targets; landfill methane control; and green building codes.

At the same time, many of California’s 15 air basins are facing ongoing challenges to meeting federal air quality standards. It’s important to note that regulation of air quality in California is separated into two levels of regulation. CARB regulates air pollution from cars, trucks, buses and other sources, often referred to as “mobile sources”. Local air districts regulate businesses and industrial facilities. Local air districts are the bodies that regulate ozone, PM 2.5 and PM 10. Ground level ozone (ozone), more commonly referred to as smog, is a pollutant that forms on hot summer days (not to be confused with the ozone that forms in the upper atmosphere or stratosphere). Ozone is not directly emitted by one source but comes from a combination of volatile organic compounds and nitrogen oxides. In the presence of sunlight, especially on hot summer days, this mixture forms ozone. Particulate Matter (PM) is made up of fine solid or liquid such as dust, fly ash, soot, smoke, aerosols, fumes, mists, and condensing vapors. US EPA has set health based standards for particles smaller than 10 microns (PM 10) and particles smaller than 2.5 microns (PM 2.5). When these particles become airborne, they can be suspended in the air for long periods of time. Both PM 10 and PM 2.5 have been determined to cause serious adverse health effects.

According to an April 2012 report by the California Air Pollution Control Officer’s Association “California’s Progress Toward Clean Air”:

Despite significant improvements, air quality remains a major source of public health concern in large metropolitan areas throughout California. The San Joaquin and South Coast Air Basin

continue to face significant challenges in meeting the federal health-based standards for ozone and fine particles, despite their regional and state-level controls on mobile and stationary sources that are the most stringent in the nation. In 2007, both regions sought extension for meeting the 1997 8-hour federal ambient air quality standard for ozone. A comparable challenge faces each region with respect to attainment of the 1997 PM2.5 standard. Due to continued progress in health research, the federal EPA lowered the ambient concentration for the 8-hour ozone and 24-hour PM 2.5 standards in 2008 and 2006, respectively. The net effect of these stricter standards is to raise the performance bar for California air basins. This will extend the timeframe for attainment in highly polluted regions as well as increase the number of basins with non-attainment status. Challenges also exist for air districts across California who are in attainment with the federal standards, as they continue to strive for attainment of the State's health-based ozone and PM standards, which are more stringent than the standards adopted by the US EPA.

According to the Sponsor, areas designated nonattainment are mandated under the provision of the federal Clean Air Act to require (pursuant to New Source Review Rules) Best Available Control Technology (BACT) and offsetting emissions reduction on major new or modified stationary sources of those nonattainment air pollutants and their precursors regardless of whether or not the area so designated has any control and not over the pollution causing the nonattainment finding.

The Sponsor also notes that there are a variety of other mandates and regulations at the state level that have the potential to conflict both directly and indirectly with the implementation of AB 32 measures being proposed and implemented by CARB. Two measures pointed out by the Sponsor are the existing mandate for local jurisdictions to divert 50% of solid waste from landfills (Public Resources Code 41780) and the state Renewable Portfolio Standard (RPS) that requires all retail sellers (Investor Owned Utilities, electric service providers, and community choice aggregators) and all publicly owned utilities to procure at least 33% of electricity delivered to their retail customers from renewable resources by 2020.

Fiscal Impact:

Unknown. No direct fiscal impact to city general funds.

Existing League Policy:

Specific to this Resolution, existing policy states:

Air Quality

- The League believes cities should have the authority to establish local air quality standards and programs that are stricter than state and federal standards. The League opposes efforts to restrict such authority.
- The League opposes legislation redirecting the funds authorized by Health and Safety Code Section 44223, which are currently used by local governments for locally based air quality programs.
- The League opposes air quality legislation that restricts the land use authority of cities.

Climate Change

- The League recognizes that climate change is both immediate and long term, with the potential for profound environmental, social and economic impacts to the planet and to California.
- Through the Global Warming Solutions Act of 2006 (AB 32 (Nuñez) Chapter 488, Statutes of 2006) California has embarked on a plan that requires the reduction of greenhouse gas emissions to 1990 levels by 2020. Although uncertainty remains about the pace, distribution and magnitude of the effects of climate change, the League recognizes the need for immediate actions to mitigate the sources of greenhouse gas emissions and has adopted the following principles:
 1. **Action Plans for Mitigating Greenhouse Gas Emissions.** Encourage local governments to complete

an inventory of greenhouse gas emissions, set appropriate reduction targets, and create greenhouse gas emission reduction action plans.

2. Smart Growth. Consistent with the League's Smart Growth policies, encourage the adoption of land use policies designed to reduce sprawl, preserve open space, and create healthy, vibrant, and sustainable communities.
3. Green Technology Investment Assistance. Support tax credits, grants, loans and other incentives to assist the public, businesses, and local agencies that invest in energy efficient equipment and technology, and fuel efficient, low emission vehicles.
4. Energy and Water Conservation and Efficiency. Encourage energy efficiency, water efficiency, and sustainable building practices in new and existing public, residential and commercial buildings and facilities. This may include using the U.S. Green Building Council's LEED program or similar systems.
5. Increase the Use of Clean Alternative Energy. Promote the use and purchase of clean alternative energy through the development of renewable energy resources, recovery of landfill methane for energy production and waste-to-energy technologies.
6. Reduction of Vehicle Emissions in Public Agency Fleets. Support the reduction of vehicle emissions through increased fuel efficiency, use of appropriate alternative fueled vehicles, and/or low emission vehicles in public agency fleets. Encourage the use of appropriate alternative fueled vehicles, and/or low emission vehicles in private fleets.
7. Climate Change Impacts. Encourage all levels of government to share information to prepare for climate change impacts.
8. Coordinated Planning. State policy should encourage and provide incentive for cities to coordinate and share planning information with neighboring cities, counties, and other governmental entities so that there are agreed upon regional blueprints and strategies for dealing with greenhouse gas emissions.
9. Water Supply for New Development. Encourage exchange of water supply information between state and local agencies, including information on the impacts of climate change on state and local water supplies.
10. Recycles Content and Green Purchasing Policies. Encourage the adoption and implementation of recycled content and green procurement policies, if fitness and quality are equal, including the adoption of an Environmental Management System and authorization of local agencies to consider criteria other than only cost in awarding contracts for services.

Additionally, the League's Mission Statement is "to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians."

Finally, the League's Strategic Priorities for 2012, as adopted by the League Board of Directors, include:

In addition, the Strategic Priorities for 2012, as adopted by the League Board of Directors, are to:

1) Support Sustainable and Secure Public Employee Pensions and Benefits: Work in partnership with state leaders and other stakeholders to promote sustainable and secure public pensions and other post-employment benefits (OPEBs) to help ensure responsive and affordable public services for the people of our state and cities.

2) Promote Local Control for Strong Cities: Support or oppose legislation and proposed constitutional amendments based on whether they advance maximum local control by city governments over city revenues,

land use, redevelopment and other private activities to advance the public health, safety and welfare of city residents.

3) **Build Strong Partnerships for a Stronger Golden State:** Collaborate with other public and private groups and leaders to reform the structure and governance, and promote transparency, fiscal integrity, and responsiveness of our state government and intergovernmental system.

RESOLUTIONS REFERRED TO PUBLIC SAFETY POLICY COMMITTEE

◆1 A RESOLUTION CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENACT LEGISLATION THAT WOULD CORRECT INEFFICIENCIES IN THE AUDIT SYSTEM, DISTRIBUTION SYSTEM AND INEQUITIES IN THE FORMULAS FOR DISTRIBUTING COURT ORDERED ARREST AND CITATION FINES, FEES AND ASSESSMENTS GENERATED BY LOCAL GOVERNMENT.

Source: City of Glendora
Referred to: Revenue & Taxation Policy Committee
Recommendation to General Resolutions Committee:

WHEREAS, the primary purpose of criminal and traffic laws is to improve safety for the public, where the cost involved to implement enforcement falls primarily upon local law enforcement agencies throughout the State; and

WHEREAS, if State laws are to be effectively enforced then local cities must have a fair revenue structure to pay the cost of making arrests and issuing citations for criminal and traffic violators; and

WHEREAS, the significant inequity in the amount cities receive in relation to the full cost of a citation and/or arrest results in an unfair distribution of revenue to cities that are generated by court fines, fees, surcharges, penalties and assessments levied on offenders; and

WHEREAS, the current inefficiencies in the system makes it practically impossible for cities to insure transparency and effectively audit, administer and manage public funds that are generated by cities and distributed by the State and County; and

WHEREAS, to adequately protect and serve the public during this time of declining revenue and deteriorating services the inequities in the system needs to be changed; and

WHEREAS, court-ordered debt collection and revenue distribution is a complex system where there are few audits, if ever, done to determine if cities are receiving their fair share of disbursements; and

WHEREAS, once a debt has been collected, in whole or in part, distributing the money is not simple as there are over 150 ways collection entities are required to distribute revenue collected from traffic and criminal court debts. Depending on the fine, fee, surcharge or penalty assessment imposed by the court has more than 3,100 separate court fines, fees, surcharges, penalties and assessments levied on offenders that appear in statutes spanning 27 different state code sections; and

WHEREAS, the current system makes it practically impossible for cities to effectively administer and manage public funds that are generated by cities. Because of the complex system cities cannot determine if they are receiving their fair share of the fines collected; and

WHEREAS, Counties and the State have statutory responsibility and power to conduct their audits, while cities do not currently have clear legal standing to demand access to court records for purposes of conducting audits in a thorough and transparent manner which further shrouds the understanding of when and how revenue is distributed; and

WHEREAS, in December 2011 at the request of the Glendora Police Department the Los Angeles Superior Court conducted a sample audit of 15 Glendora Police Department-issued citations from 2010. The results of the sample audit revealed the City of Glendora received about 12% (\$253) of the \$2,063 in paid fines for the 12 of the 15 citations submitted. Three (3) of the citations in the audit were sent to collection or warrants. Based on those results, the city received an average of \$21, while the State and County received an average of \$172 for each of the 12 citations. The percentage breakdown for the city was 12.25% as compared to the State and County's share of 86.75%; and

WHEREAS, issuing a typical vehicle code violation citation can involve up to an hour of the issuing officer's time and the time of a records clerk tasked with entering citations into the database costing approximately \$82 per hour. If the citation is challenged the cost increases another \$135 to cover the cost of court time and handling of the notices associated with such an appeal. Therefore, the cost incurred to issue a citation currently is between \$82 and \$217, while the sample audit reveals the city is receiving about \$21 in cost recovery; and

WHEREAS, officials with Superior Court openly admit that similar results would be expected for almost every jurisdiction in the State issuing citations due to the complexity and "Priority of Distribution" they must follow from the State of California. "Priority Distribution" is triggered when a court reduces a fine for a citation. This process prohibits Judges from reducing penalty assessments and thus the only discretion Judges have in reducing fines, fees and costs is to reduce the base fine, or city portion, of the total fine. This process has a significant impact on the amount of money cities issuing the citation will receive. Rarely is the reduction in the fine taken from other stakeholders. Cities are one of the lowest priorities on the distribution list and often find themselves receiving significantly less share-or no share after deducting State and County fees and surcharges; and now there let it be

RESOLVED by the General Assembly of the League of California Cities, assembled in San Diego on September 7, 2012, that the League of California Cities calls upon the State Legislature and Governor to:

1. Create an efficient system to provide cities with a clear authority to audit the distribution of fines, fees, assessments and administrative costs for criminal and traffic violations;
2. Enact legislation that changes the "Priority Distribution" mandate so cities receive the total cost of issuing, processing and testifying in court on criminal cases and traffic violations; and
3. That any reduction in fines, fees, assessments or costs should be equally distributed from the total fine imposed, not just from the city base fine.

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Background Information on Resolution No. 1

Source: City of Glendora

Background:

Court-ordered debt collection and revenue distribution is a complex system where there are few audits, if ever, done to determine if cities are receiving their fair share of disbursements. The current system makes it practically impossible for cities to effectively administer and manage public funds that are generated by cities. Because of the complex system cities cannot determine if they are receiving their fair share of the fines collected.

Once a debt has been collected, in whole or in part, distributing the money is not simple as there are over 150 ways collection entities are required to distribute revenue collected from traffic and criminal court debts, depending on the fine, fee, surcharge or penalty assessment imposed by the court and California has more than 3,100 separate court fines, fees, surcharges, penalties and assessments levied on offenders that appear in statutes spanning 27 different government code.

County and state have statutory responsibility and power to conduct their audits, while cities do not currently have clear legal standing to demand access to court records for purposes of conducting audits in a thorough and transparent manner which further shrouds the understanding of when and how revenue is distributed.

At the request of the City of Glendora, in December 2011, the Los Angeles Superior Court conducted a sample audit of 15 Glendora Police Department-issued citations from 2010. The results of the sample audit revealed the Glendora received about 12% (\$253) of the \$2,063 in paid fines for the 12 of the 15 citations submitted. Three (3) of the citations in the audit had been sent to collection or warrants. Based on those results, the city received an average of \$21, while the state and county received an average of \$172 for each of the 12 citations. The percentage breakdown for the city was 12.25% as compared to the state and county's share of 86.75.%

Issuing a typical vehicle code violation citation can involve up to an hour of the issuing officer's time and the records clerk tasked with entering citations into the database costing approximately \$82 per hour. If the citation is challenged the cost increases another \$135 to cover the cost of court time and handling of the notices associated with such an appeal. Therefore, the cost incurred to issue a citation that is currently between \$82 about \$217, while the sample audit reveals the city is receiving about \$21 in cost recovery.

Officials with Superior Court openly admit that similar results would be expected for almost every jurisdiction in the state because when a court reduces a fine it triggers a process called "Priority Distribution." This process prohibits Judges from reducing penalty assessments imposed by the county and state and thus the only discretion that Judges have in reducing fines is to reduce the Base Fine (City Portion) of the total fine. This mandate has a significant impact on the amount of money cities issuing the citation receive. Rarely is the reduction in the fine taken from other stakeholders. Cities are one of the lowest priority on the distribution so often they find themselves receiving significantly less share-or no share after deducting state and county fees and surcharges.

The primary cost to implement enforcement falls upon local law enforcement agencies throughout the state. This Resolution calls upon the State Legislature and Governor to create an efficient system to provide cities with a clear authority to audit the distribution of fines, fees, assessments and administrative costs for criminal and traffic violations. In addition, legislation should be developed and passed that changes the "Priority Distribution" mandate so the cities receive the total cost of issuing, processing and testifying in court on criminal cases and traffic violations and that any reduction in fines, fees, assessments or costs should be equally distributed from the total fine imposed.

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League of California Cities Staff Analysis on Resolution No. 1

Staff: Dorothy Holzem, Assoc. Legislative Representative, (916) 658-8214
Committee: Public Safety Policy Committee

Staff: Dan Carrigg, Legislative Representative, (916) 658-8222
Committee: Revenue and Taxation Policy Committee

Summary:

This Resolution urges the League of California Cities, through legislative or administrative means, to clarify the authority for cities to audit the distribution of court imposed fines, fees, penalty assessments and administrative costs for criminal and traffic violations.

It also urges the League to seek legislative changes to the "Priority Distribution" statutory formula so that cities receive the total cost of issuing, processing and testifying in court on criminal cases and traffic violations. The current statutory formula allows reductions to the base fine but maintains the same level of penalty assessments, based upon the full penalty charge.

Finally, any reductions that may occur in fines, fees, assessments or costs determinations should be equally distributed from the total fine imposed, not just from the city base fine.

This Resolution raises several policy questions:

- 1) Should cities have the authority to request audits and receive reports from a county or the state on the local share of revenue resulting from criminal and traffic violation penalties?
- 2) Should cost-recovery be a driving factor in setting monetary penalties for criminal or traffic violations?
- 3) Should reductions (as ordered by a judge) to the fines owed by violators be taken just out of the base fine, or should the base fine and related penalty assessments be reduced proportionately?

Background:

In California, criminal offenders may have additional penalty assessments made to their base fines. These penalty assessments are based on the concept of an "abusers fee," in which those who break certain laws will help finance programs related to decreasing those violations. For example, drug and alcohol offenses and domestic violence offenses are enhanced by special assessments on fines that directly fund county programs designed to prevent the violations. All other criminal offenses and traffic violations are subject to penalty assessments that are used to fund specific state programs.

According to the Resolution sponsor, the City of Glendora, the court-ordered collection of penalty fines and additional assessments, as well as the subsequent revenue distribution, is a complex system where few audits are conducted to determine if cities are receiving their share of collections. The current system makes it practically impossible for cities to effectively administer and manage public funds that are generated by cities.

The League recently held in-depth policy discussions related to audit authority in light of the misconduct charges against the City of Bell in 2011. The League convened a technical working group to review audit legislation and administrative efforts by the State Controller's Office. Following the work of this group, the League Board adopted principles supporting transparent, accurate financial and performance information. (See "Existing Policy" section below.) However, these principles did not address expanding cities' audit authority over the state, counties, or other public agencies.

The sponsors state that there are over 150 ways collection entities are required to distribute revenue collected from traffic and criminal court debts. Depending on the fine, fee, surcharge or penalty assessment imposed, there are more than 3,100 separate court fines, fees, surcharges, penalties and assessments levied on offenders that appear in statutes spanning 27 different state code sections.

Generally, the base fines for criminal and traffic citations are significantly lower than the additional penalty assessments levied by the state and counties. In some instances, the penalty assessment for state and local programs can be three or four times the amount collected by the city or county agency that issued the citation through their local enforcement authority. The amount each program account receives is based on a statutory formula. For example, if a driving under the influence (DUI) fine is \$1000, specific dollar amounts proportionate to the base fine are added under six different code sections for a total price tag of \$3,320 for the offense.

Some examples of program accounts receiving penalty assessment revenues include Peace Officer Standards and Training (POST), victim witness protection and services, court security, court construction, forensic laboratories for DNA identification, and automated fingerprint identification. The impact of programs largely funded, if not solely funded, by penalty assessment revenue casts a wide net of stakeholders including counties, sheriffs, district attorneys, public defenders, fish and game wardens, victim advocates, and access to the judicial system advocates. Cities are also partial benefactors of penalty assessment funded programs related to law enforcement.

For the last three decades, this policy area has been under great scrutiny and study but with little reform taking place. The recommendations from past studies and reports to consolidate penalty assessment accounts or their collections efforts, which would require legislative action, have likely not gained traction because of the inevitable loss of revenue for the specific programs and the affected interest groups.

In 1986, the Legislature enacted Senate Concurrent Resolution 53, requiring the Legislative Analyst Office (LAO) to study the statutory penalty assessments that are levied by the courts on offenders and the state programs that the funds support. The completed 1988 study found a complicated system of collection and distribution of penalty funds. The LAO was unable to fully identify the source offenses that generated penalty revenues because of limitations in most county collection systems.

In 2005, the California Research Bureau issued a report for the Assembly Public Safety Committee on county penalty assessments that drew similar conclusions. They stated the complexity of the system means poor revenue collection, disproportionate justice for debtors, and undermines the usefulness of fines as a punishment or deterrent. They recommended efforts to streamline and consolidate collections, funding, and appropriations.

After some delay, the state created the Administrative Office of the Court's Court-Ordered Debt Task Force, which is charged with evaluating and exploring means to streamline the existing structure for imposing and distributing criminal and traffic fines and fees. This Task Force has been asked to present preliminary recommendations to the Legislature regarding the priority in which court-ordered debt should be satisfied and the use of comprehensive collection programs. Currently, the League of California Cities has two appointments to the Task Force. However, the Task Force has been put on hiatus and has not met for approximately 12 months due to significant state cuts to the court budget in recent years.

Currently, legislation was introduced this year to address the issue of cities not recouping the costs of issuing citations. The response has been to increase the base fine and not change penalty assessments. Assembly Bill 2366 (Eng) would increase the base fine of "fix-it" tickets from \$10 to \$25 dollars. This has largely been successful in the legislative fiscal committees because with every increase to the base fine for the issuing agency, so increases the state and county share of penalty assessments proportionately.

Lastly, in most instances when the legislature takes into consideration a fine increase, be it for manufacturer product responsibility or criminal acts, the legislature focuses on how the increased fine will alter behavior, not on recovering the costs of enforcing that violation.

Fiscal Impact:

Unknown. Potential additional revenue received by cities, if any, would vary based on total citations issued and collected.

Existing League Policy:

Related to this Resolution, existing policy offers:

- Cities and the League should continue to emphasize efficiency and effectiveness, encouraging and assisting cities to achieve the best possible use of city resources.
- The League supports efforts to preserve local authority and accountability for cities, state policies must ensure the integrity of existing city revenue sources for all cities, including the city share and situs allocation, where applicable, of property tax, sales tax, vehicle license fee, etc.

Audit Principles Adopted by the League Board

- Given the State already has substantial authority to examine local government financial practices, and recognizes the significant resources required by auditors and local governments to complete audits, additional authority should only be granted to a State agency when there are documented insufficiencies in its existing authority.
- Governmental financial audits and performance audits ensure financial integrity and promote efficient, effective and accountable local government.
- Transparent, accurate financial and performance information is necessary for citizens to have confidence that their interests are being served, and for decision makers to be accountable for ensuring that public funds are spent appropriately and effectively.
- Public trust is inspired when auditors perform their work with independence, objectivity and integrity, remaining free from personal, external and organizational impairments to that independence, both in fact and in appearance.
- Public confidence in government is maintained and strengthened when financial and performance information is collected, managed and reported in accordance with nationally recognized professional accounting and auditing standards.

The League's Mission Statement is "to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians."

In addition, the Strategic Priorities for 2012, as adopted by the League Board of Directors, are to:

1) Support Sustainable and Secure Public Employee Pensions and Benefits: Work in partnership with state leaders and other stakeholders to promote sustainable and secure public pensions and other post-employment benefits (OPEBs) to help ensure responsive and affordable public services for the people of our state and cities.

2) Promote Local Control for Strong Cities: Support or oppose legislation and proposed constitutional amendments based on whether they advance maximum local control by city governments over city revenues,

land use, redevelopment and other private activities to advance the public health, safety and welfare of city residents.

3) Build Strong Partnerships for a Stronger Golden State: Collaborate with other public and private groups and leaders to reform the structure and governance, and promote transparency, fiscal integrity, and responsiveness of our state government and intergovernmental system.

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2. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES RAISING PUBLIC AWARENESS AND SUPPORTING TOUGHER LAWS RELATED TO INTERNET CRIMES AGAINST CHILDREN

Source: San Diego County Division
Referred To: Public Safety Policy Committee
Recommendation to General Resolutions Committee:

WHEREAS, technology has brought significant changes to our society over the past two decades, many of which have had a positive effect on our quality of life while some have threatened the safety and well-being of our young children; and

WHEREAS, the internet has made victimization of children easier than ever before; and

WHEREAS, the internet has also significantly increased the availability of child pornography, with more than 6.5 million images being shared via the internet, compared to only a few hundred photos less than a generation ago; and

WHEREAS, some see viewing child pornography as a “victimless crime,” however these images are never completely eradicated from the internet and the victims continue to have their horrific photos viewed over and over again by pedophiles for sexual gratification; and

WHEREAS, in 2007 the National Center for Missing and Exploited Children reported it had identified 9.6 million images and videos of child pornography and believed there were millions more not identified; and

WHEREAS, in the 2006 Butner Redux Study, 98 percent of convicted child pornographers had molested children before their capture; and

WHEREAS, the United States is the number one producer and consumer of child pornography in the world, with more than 624,000 child pornography users identified nationwide.

NOW THEREFORE BE IT RESOLVED by the General Assembly of the League of California Cities assembled at the Annual Conference in San Diego, September 7, 2012, that the League of California Cities:

1. Desires to increase public awareness and educate others about the critical issue of internet crimes against children statewide.
2. Requests the League advocate for the State Legislature to adopt tougher laws for child pornographers.

3. Requests the League advocate for additional and more permanent funding for Internet Crimes Against Children Task Forces (ICAC) statewide.

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Background Information on Resolution No. 2

Source: San Diego County Division

Background:

Technology has brought significant changes to our society over the past two decades. While most have had a positive effect on our quality of life, many have threatened the safety and well-being of our young children.

The internet has made victimization of children much easier than ever before. Today, pedophiles can network with one another online, encourage one another to commit crimes against children, and share tips on evading law enforcement. Worse yet, they often use the internet – social media sites, in particular – to find and prey on young children. Many times, these innocent children are lured away from their homes by these perpetrators and never seen again.

The internet has also significantly increased the availability of child pornography. More than 6.5 million child abuse images are being shared via the internet today. Before this technology was in place, the number of photos available numbered in the few hundreds.

While some see viewing child pornography as a “victimless crime,” nothing could be further from the truth. One study showed that 98 percent of convicted child pornographers had molested children before being captured (Butner Redux Study, 2006).

Additionally, these images can never be completely eradicated from the internet once they are placed online. Therefore, victims continue to suffer the irrevocable damage of knowing their horrific photos are being viewed over and over again for sexual gratification by pedophiles.

Many believe these horrendous crimes happen mostly in other countries. Sadly, the United States is the number one producer and consumer of child pornography in the world, and American children are the primary victims. More than 624,000 child pornography users have been identified nationwide and thousands of these reside in San Diego County.

While the internet is exploited by these predators to harm children, it ironically is the same tool used by law enforcement to track down and arrest these criminals.

Your help is urgently needed to secure resources for this effort, increase public awareness, work to support tougher laws and educate others on this critical issue. While San Diego has one of the nation’s 61 ICAC task forces, its six trained investigators are overwhelmed with cases due to funding shortfalls.

With your help, these predators can be taken off the street and our children will be safer. Here is what needs to be done:

Change state law. The current "wobbler" (misdemeanor and felony) wording should be eliminated. All child pornography charges should be made a straight felony.

Strengthen sentencing. State sentencing on child pornography cases needs to be more in line with

federal sentencing.

Toughen discovery statutes. State discovery statutes should be amended to comply with the Adam Walsh Act. Child pornography is contraband that is easily reproduced and should be treated as such.

Change pornography evidence rules. Stop the practice of giving copies of child pornography evidence to the defense. Instead, provide the defense a secure area where they can view the evidence but not take possession of it.

Strike current law about possession/distribution of child pornography. Currently, state law allows for a defendant's conviction for possession and distribution of child pornography to be set aside if he/she has complied with all probation conditions, pursuant to Penal Code Section 1203.4.

Strengthen disclosure laws. If applying for any job other than public office, licensure by any state or local agency, or for contracting with the state lottery, a convicted possessor of child pornography does not need to disclose their prior conviction. That allows people who have been convicted of possessing or dealing in photos of child exploitation to get closer to children. PC 1203.4 already has exceptions for convictions of PC 286(c), 288, 288a(c), 2813.5, 289m, felony 261.5(d) and 42001(b) of the Vehicle Code. These convictions may not be set aside per PC 1203.4 and must always be disclosed. PC 311.1, 311.2, 311.3, 311.4, 311.10 and 311.11 should be added to the list of charges to which this type of relief does not apply.

Update reporting laws. The existing mandatory reporting law should be updated to include librarians and computer technicians.

Provide permanent funding for ICAC. Significantly more permanent funding is needed for Internet Crimes Against Children Task Forces (ICAC's). They are tasked with investigating crimes against children involving electronic devices. The crimes include child pornography, child molestation and peer-to-peer bullying. ICAC task force's are severely undersized and underfunded to keep up with the magnitude of the growing problem.

Increase public awareness. Public awareness of the issue needs be heightened particularly to parents and children as well as all public officials and the community in order to protect our children against these unspeakable crimes.

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League of California Cities Staff Analysis on Resolution No. 2

Staff: Dorothy Holzem, Assoc. Legislative Representative, (916) 658-8214
Committee: Public Safety Policy Committee

Summary:

This Resolution seeks to increase public awareness of the prevalence of internet crimes against children. To help promote this goal, the Resolution requests the League of California Cities advocate for legislation that creates tougher laws for child pornographers and provides additional, more permanent funding for Internet Crimes Against Children (ICAC) Task Forces.

Background:

According to the Resolution sponsors, the U.S. Census Bureau (2005) estimates that there are over 24.5 million internet users in the United States between the ages of 10 and 17. They cite that the rapid growth of internet accessibility has brought forth helpful tools for our children and youth. Unfortunately, it has also brought with it the increased potential for online victimization including unwanted exposure to sexual material, unwanted sexual solicitations, and online harassment.

The Internet Crimes Against Children (ICAC) Program was created to help federal, state and local law enforcement agencies enhance their investigative responses to offenders who use the internet, online communication systems, or computer technology to sexually exploit children. The program is funded by the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention. The program is a national network of 61 coordinated task forces representing over 3,000 federal, state, and local law enforcement and prosecutorial agencies. These agencies are engaged in proactive investigations, forensic investigations, and criminal prosecutions.

In FY 2009, ICAC Program received \$25 million under the Omnibus Appropriation Act to support ICAC task forces, training, and technical assistance. The ICAC Program received an additional \$50 million through the **American Reinvestment and Recovery Act** to support ICAC task forces, training, technical assistance, and research. In each of the past two fiscal years, the program received \$30 million nationally.

Existing California law addresses the policy area extensively in the areas of solicitation, pornography, and harassment with additional penalties often levied when the victim is a minor less than 14 years of age. Internet-based crimes against minors have been a popular topic in recent legislative proposals especially as new web-based technology is brought into the market. Legislation has included both increased penalties and greater protections or remedies for victims.

Fiscal Impact:

Unknown. No direct fiscal impact to city general funds.

Existing League Policy:

Related to this Resolution, existing policy offers:

The League believes that the children of California must be recognized as our state's most valuable resource. Their development, education, and well-being are key to our state's future. Further, it is essential that each child have the support needed to become a productive citizen in the world of the 21st Century.

The League supports the promotion of public safety through stiffer penalties for violent offenders.

The League's Mission Statement is "to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians."

In addition, the Strategic Priorities for 2012, as adopted by the League Board of Directors, are to:

1) **Support Sustainable and Secure Public Employee Pensions and Benefits:** Work in partnership with state leaders and other stakeholders to promote sustainable and secure public pensions and other post-employment benefits (OPEBs) to help ensure responsive and affordable public services for the people of our state and cities.

2) **Promote Local Control for Strong Cities:** Support or oppose legislation and proposed constitutional amendments based on whether they advance maximum local control by city governments over city revenues, land use, redevelopment and other private activities to advance the public health, safety and welfare of city residents.

3) **Build Strong Partnerships for a Stronger Golden State:** Collaborate with other public and private groups and leaders to reform the structure and governance, and promote transparency, fiscal integrity, and responsiveness of our state government and intergovernmental system.

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5. A RESOLUTION CALLING FOR AN EMERGENCY MANAGEMENT MISSION FOR CALIFORNIA CITIES

Source: League Public Safety Policy Committee

Referred To: Public Safety Policy Committee

Recommendation to General Resolutions Committee:

WHEREAS, emergency management is a basic responsibility of city government and a fundamental duty of all city employees; and

WHEREAS, prepared, disaster resilient communities save lives, prevent injuries, protect property, promote economic stability, and rapid recovery; and

WHEREAS, employees who have a family plan and supplies will be more likely to stay at work or come to work after an emergency incident; and

WHEREAS, the National Incident Management System (NIMS) provides guidelines and requirements to ensure a national coordinated emergency response system, including training requirements; and

WHEREAS, the Standardized Emergency Management System (SEMS) provides the foundation for California cities to ensure a state-wide coordinated, standardized emergency response system. SEMS is intended to be flexible and adaptable to the needs of all emergency responders in California; and

WHEREAS, emergency managers are responsible for promoting and encouraging personal, family and community preparedness and readiness. It is critical to focus on and support public education and training to ensure that the public understands that government entities may need time to recover from disaster situations, and to spread the message that disaster resilience, or the ability to recover from a disaster situation, requires participation from the whole community; and

WHEREAS, The League of California Cities (League) recognizes that cities, counties and the state do not have the reserves to support residents with food, water, and other necessary supplies after an "emergency event". Now, therefore let it be

RESOLVED, at the League General Assembly, assembled at the League Annual Conference on September 7, 2012, in San Diego, that the League encourages cities to actively pursue employee and resident emergency preparedness. In addition, the League encourages cities to actively engage residents in emergency preparedness programs that promote creating a family plan, including having supplies of food and water, in the promotion of self-reliance.

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League of California Cities Staff Analysis on Resolution No. 5

Staff: Dorothy Holzem, Assoc. Legislative Representative, (916) 658-8214

Committee: Public Safety Policy Committee

Summary:

This Resolution seeks to create a clear statement of support for emergency preparedness in the League of California Cities existing policy and guiding principles. Specifically, it requests that the League encourages cities to actively pursue employee and resident emergency preparedness and to engage residents in

emergency preparedness programs that promote creating a family plan, that includes provisions for supplies of food and water, in the promotion of self-reliance, with the ultimate goal of creating “disaster resilient” cities.

Background:

This resolution was brought to the Public Safety Policy Committee by that committee’s Emergency and Disaster Preparedness Subcommittee to create a clear statement of support for emergency response, management, and recovery efforts as a community. While the League has extensive policy that supports related activities, there is no explicit statement of support in the existing policy or guiding principles.

In addition, numerous articles in *Western City Magazine*, the League’s monthly publication, have featured case studies and best practices about emergency response and disaster preparedness. This topic has been a key component of the Public Safety Committee’s work program for the last five years.

Fiscal Impact:

Unknown. This Resolution does not seek to create new requirements for the League or cities. Possible costs to cities that take steps to educate community members about disaster preparedness could be off-set by future limited damage and loss of life or injury due to those preparedness efforts.

Existing League Policy:

Related to this Resolution, existing policy provides:

The League supports the 2-1-1 California telephone service as a non- emergency, human and community services and disaster information resource.

The League supports “Good Samaritan” protections that include both medical and non-medical care when applicable to volunteer emergency, law enforcement, and disaster recovery personnel. The League also supports providing “Good Samaritan” protections to businesses that voluntarily place automated external defibrillators (AEDs) on their premises to reduce barriers to AED accessibility

The League supports activities to develop and implement statewide integrated public safety communication systems that facilitate interoperability and other shared uses of public safety spectrum with local state and federal law enforcement, fire, emergency medical and other public safety agencies.

The League supports a single, efficient, performance-based state department (the California Emergency Management Agency) to be responsible for overseeing and coordinating emergency preparedness, response, recovery and homeland security activities.

The League supports disaster recovery legislation that includes mitigation for losses experienced by local government.

The League’s Mission Statement is “to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.”

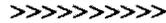
In addition, the Strategic Priorities for 2012, as adopted by the League Board of Directors, are to:

1) **Support Sustainable and Secure Public Employee Pensions and Benefits:** Work in partnership with state leaders and other stakeholders to promote sustainable and secure public pensions and other post-employment benefits (OPEBs) to help ensure responsive and affordable public services for the people of our state and cities.

2) **Promote Local Control for Strong Cities:** Support or oppose legislation and proposed constitutional amendments based on whether they advance maximum local control by city governments over city revenues,

land use, redevelopment and other private activities to advance the public health, safety and welfare of city residents.

3) Build Strong Partnerships for a Stronger Golden State: Collaborate with other public and private groups and leaders to reform the structure and governance, and promote transparency, fiscal integrity, and responsiveness of our state government and intergovernmental system.



RESOLUTION REFERRED TO REVENUE AND TAXATION POLICY COMMITTEE

- ◆1 **A RESOLUTION CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENACT LEGISLATION THAT WOULD CORRECT INEFFICIENCIES IN THE AUDIT SYSTEM, DISTRIBUTION SYSTEM AND INEQUITIES IN THE FORMULAS FOR DISTRIBUTING COURT ORDERED ARREST AND CITATION FINES, FEES AND ASSESSMENTS GENERATED BY LOCAL GOVERNMENT.**

Resolution #1 also referred to Public Safety Policy Committee. **Please see Public Safety Policy Committee section for the resolution, background and staff analysis information.**



Council Action Advised by August 3, 2012

May 3, 2012

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – September 5 - 7, San Diego**

The League's 2012 Annual Conference is scheduled for September 5 - 7 in San Diego. An important part of the Annual Conference is the Annual Business Meeting (*at the General Assembly*), scheduled for noon on Friday, September 7, at the San Diego Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Wednesday, August 15, 2012. This will allow us time to establish voting delegate/alternates' records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one person must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up

-over-

the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the San Diego Convention Center, will be open at the following times: Wednesday, September 5, 9:00 a.m. – 6:30 p.m.; Thursday, September 6, 7:00 a.m. – 4:00 p.m.; and September 7, 7:30–10:00 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but not during a roll call vote, should one be undertaken.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Wednesday, August 15. If you have questions, please call Mary McCullough at (916) 658-8247.

Attachments:

- 2012 Annual Conference Voting Procedures
- Voting Delegate/Alternate Form

Name of Redevelopment Agency: Covina Redevelopment Agency
 Project Area(s) Project Areas 1 and 2

RECOGNIZED OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34171 and 34177

Project Name / Debt Obligation	Project Area	Payee	Description	Payment Source								Total
					Jan	Feb	Mar	Apr	May	Jun		
				Jan								
1) 1997 Tax Allocation Bonds Series A	PA2	Bank of New York	Bond issue to fund non-housing projects	Redevelopment Property Tax Trust Fund						31,091.00		\$ 31,091.00
2) 1997 Tax Allocation Bonds Series B	PA1	Bank of New York	Bond issue to fund non-housing projects	Redevelopment Property Tax Trust Fund						65,625.00		\$ 65,625.00
3) 2002 Tax Allocation Bonds Series A	PA1	Bank of New York	Bond issue to fund non-housing projects	Redevelopment Property Tax Trust Fund						51,297.00		\$ 51,297.00
4) 2004 Tax Allocation Bonds Series A	PA1	Bank of New York	Bond issue to fund non-housing projects	Redevelopment Property Tax Trust Fund						239,223.00		\$ 239,223.00
5) 2004 Tax Allocation Bonds Series B-1	Hsg	Bank of New York	Bond issue to fund housing projects	Redevelopment Property Tax Trust Fund						85,365.00		\$ 85,365.00
6) Note Payable 626 S Citrus Avenue	PA1	US Bank	Property purchased for redevelopment	Redevelopment Property	12,045.99	12,045.99	12,045.99	12,045.99	12,045.99	12,045.99	12,045.99	\$ 72,275.94
7) Lease Payable 611 S Citrus	PA1	Al-Sal Oil	Property lease	Redevelopment Property	7,333.33	8,066.66	8,066.66	12,355.66	8,066.66	8,066.66	8,066.66	\$ 51,955.63
8) Lease Payable RJS Financial	PA1	RJS Financial	Property lease	Redevelopment Property	49,840.00	49,840.00	49,840.00	49,840.00	49,840.00	49,840.00	49,840.00	\$ 299,040.00
9) Fiscal Agent Fees	ALL	Bank of New York	Fiscal agent fees to maintain bond funds	Redevelopment Property	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	\$ 18,000.00
10) Employee Obligations	PA1	City of Covina	Retiree Obligations	Redevelopment Property	6,500.00	6,500.00	6,500.00	6,500.00	6,500.00	6,500.00	6,500.00	\$ 39,000.00
11) Continuing Disclosure	ALL	HDL	Required calculations for bonds	Redevelopment Property Tax Trust Fund			3,150.00				3,150.00	\$ 6,300.00
12) Transitional House	Hsg	CCLA & others	Low-moderate transitional housing	Bond/Land Proceeds	4,500.00	4,500.00	4,500.00	4,500.00	4,500.00	4,500.00	4,500.00	\$ 27,000.00
13) Arbitrage Calculations	ALL	Willdan	Calculations required by law	Redevelopment Property	3,000.00							\$ 3,000.00
14) DPAP	Hsg	Various applicants	Downpayment assistance program	Housing/Bond funds	30,000.00	30,000.00						\$ 60,000.00
15) Consulting & Legal Services	ALL	Advantage Printing/Alaska	Consulting and legal for oversight and wind	Redevelopment Property	3,400.00	3,400.00	3,400.00	3,400.00	3,400.00	3,000.00	3,000.00	\$ 20,000.00
16) Audit fees	ALL	CPA firm to be determined	Required audit services	Redevelopment Property Tax Trust Fund						20,000.00		\$ 20,000.00
17) Transitional House	Hsg	City of Covina	Direct program administration	Bond/Land Proceeds	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	\$ 18,000.00
18) Housing Development	Hsg	Property owner/Developer	Affordable Housing Development	Bond/Land Proceeds							398,677.00	\$ 398,677.00
19)												\$ -
20)												\$ -
21)												\$ -
22)												\$ -
23)												\$ -
24)												\$ -
25)												\$ -
26)												\$ -
27)												\$ -
28)												\$ -
29)												\$ -
30)												\$ -
Totals - This Page					\$ 122,619.32	\$ 120,352.65	\$ 93,502.65	\$ 94,641.65	\$ 582,953.65	\$ 491,779.65	\$ 1,505,849.57	
Totals - Other Obligations					\$ 2,500.00	\$ -	\$ 2,500.00	\$ 2,500.00	\$ 19,020.00	\$ 2,500.00	\$ 29,020.00	
Grand total - All Pages					\$ 125,119.32	\$ 120,352.65	\$ 96,002.65	\$ 97,141.65	\$ 601,973.65	\$ 494,279.65	\$ 1,534,869.57	

Name of Redevelopment Agency: Covina Redevelopment Agency
 Project Area(s) Project Area 1 and 2

RECOGNIZED OTHER OBLIGATION PAYMENT SCHEDULE
 Per AB 26 - Section 34171 and 34177

Project Name / Debt Obligation	Project Area	Payee	Description	Payment Source	Jan	Feb	Mar	Apr	May	Jun	Total
1) Maintenance of Agency owned prop	ALL	Andy Gump/United fencing	Maintain assets under AB1X 26	Redevelopment Property Tax Trust F	2,500.00		2,500.00	2,500.00		2,500.00	\$ 10,000.00
2) SERAF loan from Housing 2010	PA1	Covina Housing Authority	Repayment for housing fund	Redevelopment Property Tax Trust Fund							\$ -
3) SERAF loan from Housing 2011	PA1	Covina Housing Authority	Repayment for housing fund	Redevelopment Property Tax Trust Fund							\$ -
4) Housing Set Aside Deferral 1995	PA1	Covina Housing Authority	Repayment for housing fund	Redevelopment Property Tax Trust Fund							\$ -
5) Rental Covenants	Hsg	ULI/Covina Housing Autho	Monitor affordable housing compliance	Redevelopment Property Tax Trust Fund					6,500.00		\$ 6,500.00
6) For Sale Covenants	Hsg	Covina Housing Authority	Monitor affordable housing compliance	Redevelopment Property Tax Trust Fund					12,520.00		\$ 12,520.00
7)											\$ -
8)											\$ -
9)											\$ -
10)											\$ -
11)											\$ -
12)											\$ -
13)											\$ -
14)											\$ -
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22)											\$ -
23)											\$ -
24)											\$ -
25)											\$ -
26)											\$ -
27)											\$ -
28)											\$ -
Totals - Other Obligations					\$ 2,500.00	\$ -	\$ 2,500.00	\$ 2,500.00	\$ 19,020.00	\$ 2,500.00	\$ 29,020.00

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: August 7, 2012

CB 1

STAFF SOURCE: Dilu de Alwis, Finance Director 

ITEM TITLE: Declaring the Results of the Property Owner Protest Ballot Proceedings for Covina Citywide Lighting District No. 1.

STAFF RECOMMENDATION:

Receive and file the results of the property owner ballot protest tabulated on Wednesday July 18, 2012, and adopt Resolution No. 12-7089 Declaring the Results of the Property Owner Ballot Protest Proceedings Conducted for the Proposed Levy of Assessments Related to the Formation of the Covina Citywide Lighting District No. 1, Commencing in fiscal Year 2012/2013.

FISCAL IMPACT:

The majority protest of property owners to the proposed assessment within Covina Citywide Lighting District No. 1 will result in the General Fund continuing to contribute approximately \$360,000 towards Citywide street lighting costs.

BACKGROUND:

At the May 15, 2012, Covina City Council meeting, the City Council initiated proceedings and declared its intention to form the Covina Citywide Lighting District No. 1; approved the preliminary Engineer's Report outlining the data regarding the district and the assessments, including plans and specifications, budget, method of apportionment, and assessment diagram and roll and directed the property owner ballot protest process.

Following the Council's approval of the property owner balloting process, approximately 12,200 ballots were mailed to the property owners on June 1, 2012 in accordance with Proposition 218, at least forty-five (45) days before the date of the Public Hearing. A ballot insert or a "Question and Answer" informational sheet was also included in the notice of the Public Hearing to help property owners better understand what the assessment is about.

On Wednesday July 18, 2012, beginning at 9:00 a.m., staff from Willdan Financial along with City staff, City Clerk Kay Manning, ballots were unsealed, sorted and tabulated. The tabulation process was open to the public and was observed by a member of the Finance Committee. In accordance with Proposition 218, the ballots were weighted by the amount of the proposed assessment to be imposed upon the identified parcels for which the ballots were submitted. The results of the tabulation are as follows;

- Yes - \$57,417.21
- No - \$67,296.48

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA,
CALIFORNIA, DECLARING THE RESULTS OF THE PROPERTY OWNER
BALLOT PROTEST PROCEEDINGS CONDUCTED FOR THE PROPOSED
LEVY OF ASSESSMENTS RELATED TO THE FORMATION OF THE COVINA
CITYWIDE LIGHTING DISTRICT NO. 1, COMMENCING IN FISCAL YEAR
2012/2013**

WHEREAS, the City Council of the City of Covina (the "City") pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Part 2, Division 15 of the California Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the "Act"), did by previous resolutions, initiate proceedings for the formation of the Covina Citywide Lighting District No. 1 (hereafter referred to as the "District"), and declared its intention to conduct a ballot protest for the levy of new assessments within the District commencing in Fiscal Year 2012/2013 for the special benefits received by properties therein from the improvements related thereto; and,

WHEREAS, in accordance with the provisions of the California Constitution, Article XIID, section 4 and California Government Code section 53753 (collectively the "Assessment Law") the City Council has caused and conducted a property owner ballot protest proceeding for the proposed new assessments to be levied on properties within the District; and,

WHEREAS, the assessments presented to each property owner of record within the District reflects each property's proportional special benefit and financial obligation for the costs and expenses related to the maintenance, servicing and operation of local lighting improvements therein as authorized by the Act and the provisions of the California Constitution. The notice and ballot presented to the property owners of record clearly identified the total amount balloted to all properties, the proposed assessment rate, the property's proportional annual amount commencing with Fiscal Year 2012/2013 and the inflationary adjustment applicable to future assessments; and,

WHEREAS, upon the close of the Public Hearing held on July 17, 2012 the valid protest ballots returned and not withdrawn by the property owners of record within the District, were opened and tabulated, the results of which are illustrated below:

Yes: \$57,417.21

No: \$67,296.48; and

WHEREAS, the Tabulation Official has prepared and submitted to this legislative body a Certificate of Tabulation Official and Statement of Assessment Ballots Submitted (the "Certificate of the Tabulation Official"), a copy of which is attached as Exhibit A hereto and incorporated herein by this reference, which reflects the results of the tabulation of the assessment ballots; and

WHEREAS, at this time based upon the Certificate of Tabulation Official this City Council determines that the assessment ballots received by the City in opposition to the proposed assessment and weighted as required by the Assessment Law exceed the assessment ballots received in favor of the assessment and similarly weighted and, therefore, a majority protest pursuant to the Assessment Law does exist; and

WHEREAS, as a result of the existence of such majority protest, the Assessment Law

prohibits this City Council from forming the District and levying the proposed assessments therein; and

WHEREAS, as the further result of the existence of such majority protest, this City Council desires to abandon the proceedings to form the District and to levy assessments therein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. The preceding recitals are all true and correct and by this reference made an operative part of this resolution.

SECTION 2. The protest ballot proceedings were conducted with the notices and ballots of the proposed new assessments presented to the qualified property owners of record within the District as required by law, with a required receipt of the returned ballots to the City Clerk prior to the close of the Public Hearing on July 17, 2012.

SECTION 3. The canvass of the protest ballots cast for the proposed District and received prior to the close of the public hearing, weighted according to the proportional financial obligation of the affected properties is hereby approved and confirmed.

SECTION 4. The assessment ballots submitted pursuant to the Assessment Law in opposition to the proposed assessment and weighted as required by the Assessment Law exceed the assessment ballots submitted in favor of the proposed assessment and similarly weighted and it is therefore determined pursuant to Assessment Law that a majority protest does exist.

SECTION 5. As a result of the existence of a majority protest to the levy of assessments within the proposed District that prohibits this City Council from forming the District and levying assessments therein as proposed, this City Council hereby orders that all proceedings to form the District and levy assessments therein as proposed be abandoned.

SECTION 6. As a result of the existence of the majority protest and the abandonment of the proceedings to form the District and to levy assessments therein, Lighting District No. 1978-79 which would have been replaced by the District shall remain in full force and effect and the City may continue to levy assessments within Lighting District No. 1978-79 as authorized pursuant to the Assessment Law.

SECTION 7. The City Clerk is hereby directed to enter this Resolution on the minutes of this meeting, which shall constitute the official declaration of the result of such property owner protest ballot proceeding.

SECTION 8. This Resolution shall become effective immediately upon its adoption.

SECTION 9. The City Clerk shall certify the adoption of this Resolution.

SECTION 10. The foregoing Resolution No. _____ was passed and adopted by the City Council of the City of Covina on the 7th day of August, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor,
City of Covina

Attest:

City Clerk,
City of Covina

Exhibit A

Certificate of Tabulation Official
and
Statement of Assessment Ballots Submitted

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF COVINA)

The undersigned, the duly authorized tabulation official appointed by the City Council of the City of Covina, DOES HEREBY CERTIFY that pursuant to the provisions of Article XIID of the Constitution of the State of California and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following), I did tabulate the assessment ballots timely submitted in the assessment ballot proceedings pertaining to Covina Citywide Lighting District No. 1.

I FURTHER CERTIFY that this Statement of Assessment Ballots Received shows the assessment ballots submitted in favor of the proposed assessment and the assessment ballots submitted in opposition to the proposed assessment, each total weighted according to the financial obligation of the affected properties for which the assessment ballots were submitted.

Total assessment ballots distributed:	12,213
Total assessment ballots received:	3,669
Assessment ballots received <u>in favor</u> of the proposed assessment:	1,778
Weighted value of assessment ballots received <u>in favor</u> of the proposed assessment:	\$57,417.21
Assessment ballots received <u>in opposition</u> to the proposed assessment:	1,891
Weighted value of assessment ballots received <u>in opposition</u> to the proposed assessment:	\$67,296.48

This certification is executed this 18th day of July, 2012 in Covina City Hall, California.

By: *Hahk Isaac*

Title: Principal Consultant