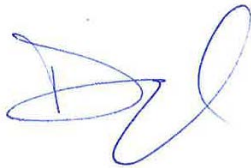


City of Calistoga Staff Report

TO: Honorable Mayor and City Council
FROM: Dylan Feik, City Manager
DATE: September 5, 2017
SUBJECT: Direction on the 2017 League of California Cities Conference Resolutions

APPROVAL FOR FORWARDING:



Dylan Feik, City Manager

1 **ISSUE:** Discuss and provide direction to the City’s voting delegate regarding the 2017 League
2 of California Cities Conference Resolutions to be considered at the League’s 2017 Annual
3 Conference September 13-15 in Sacramento.
4

5 **BACKGROUND:** At the City Council Meeting of June 6, 2017, the Council designated Mayor
6 Canning as the City’s voting delegate and Irais Lopez-Ortega as the alternate voting delegate to
7 represent the City of Calistoga at the League’s 2017 Annual Conference September 13-15 in
8 Sacramento. An important part of the event is the Annual Business Meeting. At this meeting,
9 the League membership considers and takes action on resolutions that establish League policy.
10 There will be four resolutions considered at the meeting as follows:
11

- 12 1. Implement strategies to reduce negative impacts of recent changes to criminal laws;
- 13 2. Local control of Emergency Medical Response;
- 14

15 The resolutions being considered are included in Attachment 2. Both are referred to the Public
16 Safety Policy Committee. The Public Safety Policy Committee will meet on Wednesday,
17 September 13, at 9:00 a.m. They will meet at 1:00 p.m. on Thursday, September 14 to consider
18 the report of the policy committee regarding the resolutions. Their recommendations will be
19 forwarded to the General Resolutions Committee, who will then make a recommendation to the
20 General Assembly at the Business Meeting and vote on Friday, September 15, 2017, at 12:30
21 p.m.
22

23 It has been the practice of the City to support the League’s recommendation, though if the
24 Council feels differently they are not required to do so. Staff recommends that the Council
25 provide direction to the voting delegate on the attached Resolutions.
26

27 **FISCAL IMPACT:** None
28

29 **ATTACHMENT:**

- 30 1) Draft Resolution
- 31 2) 2017 Annual Conference Resolutions

RESOLUTION NO. 2017-XXX

RESOLUTION OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA SUPPORTING THE FOUR RESOLUTIONS TO BE VOTED ON AT THE 2017 ANNUAL LEAGUE CONFERENCE

WHEREAS, on June 6, 2017, the Council designated Mayor Canning as the voting delegate and Irais Lopez-Ortega as the alternate voting delegate to the League of California Cities Annual Meeting in Sacramento on September 15, 2017.

WHEREAS, the League of California Cities encourages each City Councilmember to consider two (2) Resolutions (Exhibit A) and to determine the City's position so that the voting delegate can represent the City's position on each of the following proposed Resolutions:

1. Resolution relating to League Bylaws Amendments;
2. Resolution relating to overconcentration of Alcohol & Drug Treatment Facilities in residential neighborhoods;

WHEREAS, the City Council of the City of Calistoga understands that policy development is a vital and ongoing process within the League of California Cities.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Calistoga has determined to support the two (2) League of California Cities proposed Resolutions to be voted on at the League General Assembly to be held on September 15, 2017 and authorizes Mayor Canning to vote in favor of the policy Resolutions.

PASSED AND ADOPTED by the City Council of the City of Calistoga these **15th day of August 2017**, by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

CHRIS CANNING, Mayor

ATTEST:

KATHY FLAMSON, City Clerk

EXHIBIT A

2017 ANNUAL CONFERENCE RESOLUTIONS

RESOLUTION REFERRED TO PUBLIC SAFETY POLICY COMMITTEE

- 1. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENTER INTO DISCUSSION WITH LEAGUE AND OTHER PUBLIC SAFETY STAKEHOLDERS TO IDENTIFY AND IMPLEMENT STRATEGIES THAT WILL REDUCE THE UNINTENDED NEGATIVE IMPACTS OF EXISTING CRIMINAL LAW**

Source: City of Whittier

Concurrence of five or more cities/city officials: Cities: La Mirada; Lakewood; Monrovia; Pico Rivera; Rolling Hills; Santa Fe Springs; and South Gate

Referred to: Public Safety Policy Committee

Recommendation to General Resolutions Committee:

WHEREAS, during the past several years, State legislative changes have made fundamental alterations to the fabric of California's criminal justice system. Many of those changes have been needed and necessary, as not all crimes should be punished with jail sentences; and

WHEREAS, California cities, counties, and the State, however, are facing increased crime which endangers the health and safety of police officers, residents, business owners, and property due to some of these legislative changes which created a situation where violent and career criminals are serving little or no prison time; and

WHEREAS, negative impacts from State legislative changes have been far reaching and crime rates and the number of victims are skyrocketing throughout California. The negative impacts of these laws were unintended when voters and legislators approved the laws, which were instead intended to help lower the prison population in California prisons and appropriately rehabilitate non-violent offenders; and

WHEREAS, incentives for offenders to voluntarily enroll in substance abuse programs have diminished, which has had the effect of eroding the safety of our communities; and

WHEREAS, AB 109 transferred nearly 45,000 felons from the State prison system to local jail facilities, which were not designed to house criminals on a long-term basis and were unprepared for such an increase in incarcerations, resulting in lower-level criminals being released early, directly impacting rising property crime rates throughout the State, and

WHEREAS, Proposition 47, The Safe Neighborhoods and Schools Act, downgraded a number of serious crimes from felonies to misdemeanors – drug

possession, repeated shoplifting, forging checks, gun theft, and possession of date-rape drugs; and

WHEREAS, Proposition 57 categorizes rape by intoxication, rape of an unconscious person, human trafficking involving sex with minors, drive-by shooting, assault with a deadly weapon, domestic violence, hate crime causing physical injury, and corporal injury to a child as “non-violent” felonies and offenders convicted of violating such laws are able to avoid appropriate prison sentences; and

WHEREAS, under Proposition 57, criminals who commit multiple crimes against multiple victims will be eligible for release at the same time as offenders who only committed a single crime against a single victim and allows repeat criminals to be eligible for release after the same period of incarceration as first time offenders; and

WHEREAS, cities must join together to voice their concerns for these legislative changes that have created an adverse impact on the safety of residents and businesses in local communities.

NOW, THEREFORE, BE IT RESOLVED by the General Assembly of the League of California Cities, assembled in Sacramento on September 15, 2017, to:

1. Direct League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent and future criminal law based on appropriate documentation by local agencies to identify necessary changes, working with key stakeholders to promote support for resulting advocacy efforts.
2. Promote an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction.
3. Continue to advocate to place into law that for the purposes of Section 32 of Article I of the California Constitution, a violent offense includes any of the following:
 - Murder or voluntary manslaughter.
 - Mayhem.
 - Rape
 - Sodomy by force, violence, duress, menace, or threat of great bodily harm.
 - Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
 - Lewd acts on a child under the age of 14 years.
 - Any felony punishable by death or imprisonment in the state prison for life.
 - Any other felony in which the defendant inflicts great or serious bodily injury on any person, other than an accomplice, that has been charged and proven,

or any felony in which the defendant uses a firearm which use has been charged and proven.

- Attempted murder.
 - Assault with intent to commit rape or robbery.
 - Assault with a deadly weapon or instrument on a peace officer.
 - Assault by a life prisoner on a non-inmate.
 - Assault with a deadly weapon by an inmate.
 - Arson.
 - Exploding a destructive device or any explosive with intent to injury.
 - Exploding a destructive device or any explosive causing great bodily injury.
 - Exploding a destructive device or any explosive with intent to murder.
 - Robbery.
 - Kidnapping.
 - Taking of a hostage by an inmate of a state prison.
 - Attempt to commit a felony punishable by death or imprisonment in the state prison for life.
 - Any felony in which the defendant personally used a dangerous or deadly weapon.
 - Escape from a state prison by use of force or violence.
 - Assault with a deadly weapon.
 - Extortion as defined in Penal Code section 518, or threats to victims or witnesses as defined in Penal Code section 136.1, which would constitute a felony violation of Penal Code section 186.22.
 - Carjacking.
 - Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft.
 - Throwing acid or flammable substances with intent to injure.
 - Continuous sexual abuse of a child.
4. Request the State to improve the Smart Justice platform to provide an effective statewide data sharing to allow state and local law enforcement agencies to rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and other offenders.
 5. Encourage the collection and organization of real world data from cities and counties on the universe of post-release community supervision (PRCS) offenders.
 6. Encourage cities throughout California to join in these advocacy efforts to mitigate the unintended negative impacts of recent policy changes to the criminal just system.
 7. Call for the Governor and Legislature to work with the League and other stakeholders to consider and implement such criminal justice system reforms.

RESOLUTION REFERRED TO PUBLIC SAFETY POLICY COMMITTEE

2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING LEGISLATION AMENDING GOVERNMENT CODE SECTION 38611 TO CLARIFY THE DEFINITION OF LOCAL CONTROL PROVIDING BROAD STATUTORY AUTHORITY FOR LOCAL OFFICIALS TO DETERMINE EMERGENCY SERVICE LEVELS AND DIRECT EMERGENCY MEDICAL RESPONSE WITHIN THEIR JURISDICTIONS

Source: City of Tracy

Concurrence of five or more cities/city officials: Cities: Lathrop; Lodi; Manteca; Stockton and Consumnes Fire Department (Cities of Elk Grove and Galt)

Referred to: Public Safety Policy Committee

Recommendation to General Resolutions Committee:

WHEREAS, Government Code Section 38611 was last amended in 1957 and does not contain language clarifying the broad scope of emergency services as provided by present day fire departments; and

WHEREAS, Government Code Section 38611 requires further definition for general law and charter cities in determining service levels for the delivery of emergency services commensurate with the resources provided by the local government body; and

WHEREAS, pursuant to Section 7 of Article XI of the California Constitution, municipal governments are vested with police power which imposes on the responsibility to protect public safety and public health and municipal governments must provide or contract for fire and/or emergency medical services; and

WHEREAS, the local provision of fire protection services, rescue services, emergency medical services, hazardous material emergency response services, ambulance services, and other services relating to the protection of lives and property is critical to the public peace, health, and safety of the state; and

WHEREAS, local fire and/or emergency medical services are financed by local taxpayers and the availability and use of such services is determined by the local governing body of the jurisdiction to which services are directly provided; and

WHEREAS, amending Government Code Section 38611 would provide the chief of the fire department specific authority to protect public safety and public health within the jurisdictional boundaries of the fire department.

RESOLVED, that the League of California Cities General Assembly, assembled at the League Annual Conference on September 15, 2017 in Sacramento, calls for the

Governor and the Legislature to work with the League and other stakeholders to amend Government Code Section 38611 clarifying the definition of local control, providing broad statutory authority for local officials to determine emergency service levels and direct emergency medical response within their jurisdictions.