

**City of Sunnyvale**  
**League of California Cities Resolutions Voting Guide**

Based on Council action on RTC 12-204 *City Positions on League of California Cities' 2012 Annual Resolutions* (August 28, 2012).

| <b>Resolution #/Subject</b>                           | <b>City Position</b> |
|---|----------------------|
| 1. Fines and Forfeitures                              | Support              |
| 2. Internet Crimes Against Children                   | Support              |
| 3. Desert Protection Act                              | No Position          |
| 4. Global Warming                                     | Oppose               |
| 5. Emergency Management Mission For California Cities | Support              |

***Resolution #1 Fines and Forfeitures – SUPPORT***

This resolution calls 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; and
- 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.

The resolution also urges 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.

Related City Policy: Council Policy 7.3.2 *Legislative Advocacy Positions*, 2012 Priority Issue #1 *State and National Economic Crisis*, “Oppose any legislation that reduces or erodes local revenues or local control.”

Department of Public Safety Analysis: The City follows statutory requirements for collecting fines and any associated cost recovery. See California Code references in the *Sunnyvale Fee Schedule*, Section 7 for specific listings for each fine.

Fines and restitution are governed and collected by the Courts; thus only a portion is distributed back to local jurisdictions. The distribution formula is in statute, thus guarantees specific distribution to both state and county. However, the local jurisdiction’s distribution is not set by statute; thus is the only portion of the fine that may be amended by a judge. The result being when a fine is reduced, the local jurisdiction bears the burden of the reduction. Each time this happens, it erodes the City’s ability to realize full cost recovery for services.

Council Adopted Position: **SUPPORT.**

***Resolution #2 Internet Crimes Against Children – SUPPORT***

This resolution resolves 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) Advocate for the State Legislature to adopt tougher laws for child pornographers; and
- 3) Advocate for additional and more permanent funding for Internet Crimes Against Children Task Forces (ICAC) statewide.

Related City Policy: General Plan, Chapter 6 *Safety and Noise*, Goal SN-3 *Safe and Secure City*, “Ensure a safe and secure environment for people and property in the community by providing effective public safety response and prevention and education services.” *Policy SN -3.6*, “Aid those who cannot care for themselves (intoxicated, addicted, mentally ill, physically disabled, the young, the old).”

Department of Public Safety (DPS) Analysis: There are three major components of this resolution – public awareness/education, tougher laws, and funding. Current City policy supports the provisions of the resolution relating to public education campaigns and the development of a funding stream for ICAC. However, DPS is a law *enforcement* agency – not responsible for charging and sentencing and the City does not have policy in place to support the provision calling for tougher laws on this issue. Given the City priority related to the two provisions covered by City policy, staff recommends the City support this effort.

Council Adopted Position: **SUPPORT.**

### ***Resolution #3 Desert Protection Act – NO POSITION TAKEN***

This resolution resolves that the League encourage California cities to adopt resolutions in opposition to the California Desert Protection Act of 2011.

Related City Policy: None

Council Adopted Position: **NONE.**

### ***Resolution #4 Global Warming – OPPOSE***

This resolution resolves that the League encourage all California cities to adopt resolutions requesting a suspension of the implementation of some, if not all, of 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. It further resolves that California cities request the California Air Resources Board examine:

- 1) 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; and
- 2) 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.

It also resolves that the State 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 greenhouse gas (GHG) under a comprehensive Federal program.

Related City Policy: The City’s General Plan includes elements aimed at reducing air pollutants from various sources. The City’s Green Building Policies are, in part, rooted in the objective of reducing GHG emissions. Additionally, the City’s strategy for reducing GHG emissions community-wide, the Climate Action Plan, is in draft and slated for Council consideration this fiscal year.

Environmental Services Department Analysis: The proposed resolution states that potential conflicts exist across regulations but it does not offer specifics. Staff notes that in 2010, Proposition 23, which

would have suspended AB 32, was not passed by California voters. Staff also notes that the State of California and the San Francisco Bay area include vast coastline areas that may be impacted by sea level change (which GHG reduction is aimed to slow or stave off).

Given that staff is already working to implement AB 32 in the form of the creation of the Climate Action Plan, it would not be advisable for the City to take a position on this resolution, despite any potential conflicts that may exist across regulations. Staff will continue to monitor this issue and should any information become available showing that these potential conflicts could hinder staff from implementing AB 32 or following Council direction regarding GHG reduction, staff will revisit this position.

Council Adopted Position: **OPPOSE.**

***Resolution #5 Emergency Management Mission for California Cities – SUPPORT***

This resolution resolves that the League encourage cities to actively:

- 1) Pursue employee and resident emergency preparedness; and
- 2) 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.

Related City Policy: General Plan, Chapter 6 *Safety and Noise* GOAL SN-2 *Effective Disaster Preparedness:* Ensure that the City, its community members, business, faith-based organizations, community organizations and special needs populations are prepared to effectively respond and recover from major disasters and emergencies.

Department of Public Safety Analysis: The DPS Office of Emergency Services has a comprehensive program of education and preparedness addressing this issue. The resolution recognizes that this effort may incur a cost for member cities that are not currently engaged in these types of preparedness activities. No fiscal impact to Sunnyvale is anticipated as our program is currently funded and any efforts we undertake would be within the confines of existing, approved resources.

Council Adopted Position: **SUPPORT.**