



Staff Report

File #: REPORT 20-0601, Version: 1

**Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of September 22, 2020**

**DESIGNATION OF VOTING DELEGATE & ALTERNATE FOR THE
LEAGUE OF CALIFORNIA CITIES 2020 ANNUAL CONFERENCE
AND CONSIDERATION OF THE LEAGUE OF CALIFORNIA
CITIES ANNUAL CONFERENCE RESOLUTION
(Assistant to the City Manager Nico De Anda-Scaia)**

Recommended Action:

Staff recommends that City Council:

1. Designate a Voting Delegate and an alternate for the League of California Cities Annual Business Meeting scheduled for Friday, October 9; and
2. Concur with staff's position and authorize the City Council's Voting Delegate to support the League of California Cities General Assembly Resolution.

Executive Summary:

This agenda matter is a standard item that goes before interested City Councils each year in anticipation of the League of California Cities' annual conference. Attached to this report is a copy of the 2020 Resolution Packet, which contains the proposed resolution(s), background materials supplied by the sponsors, supporting letters from cities and city officials, and League staff analysis for the resolution(s).

This year, one resolution has been introduced for consideration at the Annual Conference and referred to League policy committees. In order to vote on this resolution, City Council must take a majority position on the resolution and designate a voting delegate to represent the City's position at the League's General Assembly meeting.

Background:

The League of California Cities Annual Conference is scheduled from October 7 through October 9, 2020. Due to precautionary health measures associated with the ongoing pandemic, this year's conference will be held virtually. Each year, the Conference includes an Annual Business Meeting, where the League membership considers and acts on resolutions that establish League Policy.

The League's bylaws stipulate that each city is entitled to one vote on matters affecting municipal or League policy. Therefore, in order to vote at the Annual Business Meeting, the League has requested

cities to designate by City Council approval a voting delegate and up to two alternates to represent their respective cities. In addition, proof of designation which reflects the action taken by council is required.

The City Council is also encouraged to review annual League of CA Cities conference resolution(s) and determine a City position so that the designated Voting Delegate may most effectively represent and convey the City's position on these matters.

Analysis:

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 are 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, and help guide cities and the League in its efforts to improve the quality, responsiveness, and vitality of local government in California.

This year there is only one resolution for consideration by the League's membership. The Resolution has been reviewed by staff to identify potential impacts upon the City. A brief summary of this resolution along with a staff recommendation is provided below. A full description and formal analysis of the resolution by League staff and the respective sponsors can be found in the Annual Conference Resolutions Packet (See **Attachment 1**).

1. A RESOLUTION OF THE GENERAL ASSEMBLY OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR AN AMENDMENT OF SECTION 230 OF THE COMMUNICATIONS DECENCY ACT OF 1996 TO REQUIRE SOCIAL MEDIA COMPANIES TO REMOVE MATERIALS WHICH PROMOTE CRIMINAL ACTIVITIES

This resolution states that the League of California Cities should urge Congress to amend Section 230 of the federal Communications Decency Act of 1996 (CDA) to limit the immunity provided to online platforms where their forums enable criminal activity to be promoted.

Ultimately, the policy objectives proposed under this resolution, if enacted, would incentivize social media companies to establish and implement a reasonable program to identify and remove content that solicits criminal activity.

The City of Cerritos is sponsoring this resolution in reaction to events whereby persons, using social media platforms to coordinate locations, dates, and times for their planned criminal activity, have committed acts of looting and vandalism resulting in both actual economic harm for targeted businesses, and pecuniary loss to cities who used resources to prevent such acts from occurring when such plans are discovered.

For example, just days after the Lakewood Mall had been looted, the City of Cerritos uncovered online communications via social media that persons were planning to target the nearby Cerritos Mall. Consequently, the city felt compelled to undertake measures to protect the Cerritos Mall, costing the city thousands of dollars to guard against what officials believed to be a credible threat.

At its core, Section 230(c)(1) of the Communications Decency Act (CDA) provides immunity from liability for providers and users of an “interactive computer service” who publish information provided by third-party users. Essentially, this protects websites from lawsuits if a user posts something illegal (although there are a few exceptions).

Protections from Section 230 have come under more recent scrutiny on issues related to hate speech and ideological biases in relation to the influence technology companies can hold on political discussions.

For a full analysis on Resolution No. 1 by the League of California Cities, including a social media industry perspective, data storage and usage considerations, fiscal impact, and related constitutional concerns, see **Attachment 1**.

Questions to Consider:

If such changes were actually passed by Congress, it would force social media to essentially police conversations on stakeholders’ respective platforms, putting immense pressure on the industry to make subjective determinations about what conversations are appropriate and what are unacceptable.

At the end of the day, there are a few questions to consider in assessing this proposed resolution:

1. *What would this resolution’s impact be on free speech and government censorship?*
2. *What are the expectations for cities when they receive information from a social media platform about a potentially credible threat in their respective communities? Does a city become liable for having information from a social media platform and the threat occurs?*
3. *What would the costs be to develop and maintain new data governance policies, including data infrastructure, to store this information?*
4. *What is the role of the League in engaging issues relating to someone’s privacy?*

Concurring Cities: Lakewood, Hawaiian Gardens, Ontario, Rancho Cucamonga, Roseville.

League of CA Cities Policy Committees Assigned:

- Governance, Transparency and Labor Relations Committee
- Public Safety Policy Committee

Staff’s Recommendation: *Support*

While the League's report does a good job of explaining the competing positions in the proposal, it does not come to a definitive conclusion as to whether the proposal would violate the first amendment. In the final analysis, it is staff's recommendation that the City Council determine whether the proposal represents good public policy by weighing the incursion on speech against the increasing use of social media for diabolical purposes.

General Plan Consistency:

This report and associated recommendation have been evaluated for their consistency with the City's General Plan. Relevant Policies are listed below:

Governance Element:

1.6 Long-term Considerations. Prioritize decisions that provide long-term community benefit and discourage decisions that provide short-term community benefit but reduce long-term opportunities.

4.1 Regional Governance. Play an active role in the South Bay Cities Council of Governments, the Southern California Association of Governments and other regional agencies to protect and promote the interests of the City.

4.3 Collaboration with Adjacent Jurisdictions. Maintain strong collaborative relationships with adjacent jurisdictions and work together on projects of mutual interest and concern.

Fiscal Implications:

No fiscal implications to the City at this time. Adequate funds are available in the FY2019-2020 budget for conference travel and related expenses.

Attachments:

1. 2020 League Annual Conference Resolutions Packet

Respectfully Submitted by: Nico De Anda-Scaia, Assistant to the City Manager

Noted for Fiscal Impact: Viki Copeland, Finance Director

Legal Review: Michael Jenkins, City Attorney

Approved: Suja Lowenthal, City Manager