



City of Culver City

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Staff Report

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Item #: A-4.

CC - (1) Consideration of a Position on the League of California Cities' Resolution Pertaining to Strategies to Reduce Negative Impacts of Recent Changes to Criminal Laws and (2) Consideration of a Position on the League of California Cities' Resolution Pertaining to Local Control for Emergency Medical Response to be Considered by the General Assembly at the Annual Conference.

Meeting Date: September 11, 2017

Contact Person/Dept: Shelly Wolfberg/City Manager's Office
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Phone Number: (310) 253-6000

Fiscal Impact: Yes ☐ No ☒

General Fund: Yes ☐ No ☐

Public Hearing: ☐ **Action Item:** ☐ **Attachments:** ☒

Commission Action Required: Yes ☐ No ☒ **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (09/07/17);

Department Approval: John M. Nachbar (09/05/17)

RECOMMENDATION

Staff recommends the City Council (1) consider a position on the League of California Cities' Resolution pertaining to strategies to reduce negative impacts of recent changes to criminal laws and (2) consider a position on the League of California Cities' Resolution pertaining to Local Control for Emergency Medical Response to be considered by the General Assembly at the Annual Conference.

BACKGROUND

The City of Culver City is a member of the League of California Cities (League). Each year, the League holds an Annual Conference during which time the General Assembly votes on various matters of policy, including any resolutions presented to the General Assembly in accordance with the League's by-laws.

In the past, a Resolution presented before the General Assembly was expected to be passed without

much or any opposition (and the City Council had adopted a support position). However, based upon discussion at the General Assembly, the motion became the subject of significant conversation and debate amongst the delegates. As a result of this past situation, the City Council changed its practice to allow the Voting Delegate and Alternate Voting Delegate(s) sufficient discretion to react to a similar situation(s) should it arise at future conferences (and vote in a fully informed manner consistent with the general direction of the City Council). Accordingly, the City Council is requested to allow for some leeway for the Council Member voting at the General Assembly at the 2017 Annual Conference.

On August 28, 2017, the City Council appointed Vice Mayor Small to be the Voting Delegate and Council Member Sahli-Wells to be the Alternate Voting Delegate. The City Council also determined it wanted additional time to review the two Resolutions that will be considered at the Conference and agendaized the Resolutions for further discussion.

DISCUSSION

This year, the General Assembly will consider the following resolutions (Attachment 2):

Resolution No. 1: “A Resolution of the League of California Cities calling for 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.”

This Resolution seeks to address increases in crime, the reclassification of several felony offenses as misdemeanors and the revision of parole rules for “non-violent” criminal acts that are in fact of a violent nature, which are all consequences of recent legislation including AB 109 (2011), Proposition 47 (2014) and Proposition 57 (2016).

AB 109 shifted nearly 45,000 felons from the state prison system to local county jails, which led to lower level petty criminals often being released and serving less or no jail time to accommodate the influx of prisoners. Proposition 47 reclassified a host of felony offenses as misdemeanors, which has stimulated the volume of petty theft, shoplifting, auto theft and organized retail theft. Proposition 57 has facilitated the potential early release of “non-violent” offenders, a classification which currently includes individuals who have committed the following offenses: rape by intoxication, attempted drive-by shooting, assault with a deadly weapon, and throwing acid with an intent to disfigure among other crimes that are, indeed, violent.

Resolution 1 would direct League of California Cities staff to seek legislation expanding the term “violent felony;” to tighten the criteria for the release of non-violent, non-serious, non-sex offender inmates; to mandate consideration of an inmate’s entire criminal history as part of the deliberations involving whether to grant an individual parole, and to consider creation of a task force that would be charged with issuing a report recommending further changes in law.

Culver City’s Legislative and Policy Platform (Platform) regarding community safety states that the City will support efforts that “advance the Police Department’s goals to enhance community safety through the deterrence/prevention of crime, the apprehension of offenders, and the education of the public in self-protective measures to minimize victimization.” This statement informs a support position on Resolution No. 1.

Resolution No. 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 with their jurisdictions.”

The Emergency Medical Response Act of 1980 created a two-tiered system for oversight and coordination of emergency medical services, with a State EMS Agency and a Local EMS Agency. Working against the concept of local control and the benefits it brings, this statute also establishes that the medical direction and management of an emergency medical services system shall be under the medical control of the medical director of the local EMS Agency, not local government officials.

Resolution 2 would give more authority to local officials to determine which resources will respond to medical emergencies, which will result in fewer poor patient outcomes that have been caused by policies that restrict local fire departments from responding to “low-level” emergencies. Residents and local officials can have confidence that their emergency medical service capabilities can be deployed as intended and as needed in an efficient, locally-controlled manner.

Culver City’s Platform stance regarding community safety states that the City will support efforts that “increase the Fire Department’s ability to provide Emergency Medical Services; fire suppression and rescue services; hazardous material spill mitigation; fire prevention; arson investigation; and public education.” City Staff are also obligated to take positions on “issues that clearly impact our City or are a threat to local control.”

Consideration at the Conference

The League President refers the resolutions to the League policy committees for review and recommendation at the Conference. This year, each Resolution will be considered by the Public Safety Committee, which meets on Wednesday, September 13 from 9:00 a.m. to 11:00 a.m.

Resolutions are next considered by the General Resolutions Committee (GRC), which consists of representatives from each division, department, policy committee and individuals appointed by the League President. The GRC will meet at 1:00 p.m. on Thursday, September 14.

Resolutions that are approved by the GRC, and resolutions that are approved by the policy committees, but not approved by the GRC, are next considered by the General Assembly at 12:30 p.m. on Friday, September 15. Resolutions approved by the General Assembly become League policy. Other action on resolutions can be: refer back to a policy committee, amend, disapprove, or no action.

The City Council may wish to recommend changes to amend either or both of the League Resolutions. An explanation of the League’s Resolution Process is found in Attachment 2.

FISCAL ANALYSIS

Neither designation of the Voting Delegate/Alternate Voting Delegate(s) nor taking a position on the resolutions create a fiscal impact on the City. However, should state or federal legislation change in

accordance with the intent of the resolution, the City may experience a fiscal impact, the degree of which is difficult to estimate at this time. Additionally, if the City implements any additional programs or projects related to the Resolutions, there could be potential fiscal impacts. Staff would bring any future items related to this effort to the City Council for separate consideration.

ATTACHMENTS

1. 2017-09-11 - ATT Annual Conference Resolution Packet
2. 2017-09-11 - ATT League of California Cities Resolutions Process

MOTION

That the City Council:

1. Take a position in support of Resolution Number 1, presented to the League of California Cities General Assembly for consideration as outlined in the staff report; and,
2. Take a position in support of Resolution Number 2, presented to the League of California Cities General Assembly for consideration as outlined in the staff report; and,
3. Authorize the Voting Delegate and Alternate Voting Delegate to cast votes exercising reasonable discretion in the case circumstances at the General Assembly warrant a change in vote; or
4. Provide alternate direction as deemed appropriate.