



City of Culver City

Mike Balkman
Council Chambers
9770 Culver Blvd.
Culver City, CA 90232
(310) 253-5851

Staff Report

File #: 21-238, **Version:** 1

Item #: A-4.

CC - (1) Designation of the City's Voting Delegate and up to Two Alternate-Delegates for the 2020 League of California Cities Annual Conference; (2) Consideration of a Position on the League of California Cities' Resolution Pertaining to the League Calling Upon the U.S. Congress to Amend Section 230 of the Communications Decency Act of 1996 to Condition Immunity from Civil Liability.

Meeting Date: September 14, 2020

Contact Person/Dept: Shelly Wolfberg/City Manager's Office

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 (09/10/2020);

Department Approval: John M. Nachbar (09/10/2020)

RECOMMENDATION

Staff recommends the City Council (1) designate the City's Voting Delegate and up to two Alternate-Delegates for the 2020 League of California Cities Annual Conference; (2) consider a position on the League of California Cities' Resolution Pertaining to an amendment of Section 230 of the Communications Decency Act of 1996 to require social media companies to remove materials which promote criminal activities.

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. This year's annual League conference will take place online from October 7 - 9, 2020.

In the past, a Resolution presented before the General Assembly at a prior League Conference was expected to be passed without much or any opposition, and the City Council had directed the City Council Voting Delegate to vote in support of said Resolution. However, based upon discussion at the General Assembly, the League Resolution became the subject of significant conversation and debate amongst the delegates and it was unclear whether the City Council Voting Delegate could take a position different than the City Council had previously authorized. 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 2020 Annual Conference.

DISCUSSION

An important part of the 2020 Annual Conference is the Annual Business Meeting (during General Assembly), scheduled for Friday, October 9th, online for conference registrants. At this meeting, the League membership considers and votes on resolution(s) that establish League policy. This year, Mayor Eriksson has confirmed that he will be participating in the Annual Conference. If a City Council Member indicates that he or she would like to attend this year's conference, s/he can express interest to participate in the General Assembly voting process.

The League has distributed one Resolution (attached):

Resolution Title

“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.”

Resolution Motion

“NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 9, 2020 in Long Beach, California, that the League calls upon the U.S. Congress to amend Section 230 of the Communications Decency Act of 1996 to condition immunity from civil liability on the following:

1. Online platforms must establish and implement a reasonable program to identify and take down content which solicits criminal activity; and
2. Online platforms must provide to law enforcement information which will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity; and
3. An online platform that willfully or negligently fails in either of these duties is not immune from enforcement of state and local laws which impose criminal or civil liability for such failure.”

The League states, “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.”

Additionally, League staff poses the following 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 in issues relating to someone’s privacy?

Crime reduction in Culver City remains a top priority. If the adoption of this resolution leads to the amendment of Section 230 of the Communications Decency Act of 1996, it could result in a reduction of crime. However, the City Council may also wish to consider the aforementioned issues raised by the League on this matter.

FISCAL ANALYSIS

Neither designation of the Voting Delegate/Alternate Voting Delegate(s) nor taking a position on the resolution create a fiscal impact on the City.

ATTACHMENTS

2020-09-14 - ATT 2020 Annual Conference Resolution Packet

MOTION

That the City Council:

1. Designate Mayor/Council Member _____ as the Voting Delegate and Mayor/Council Member(s) _____ as Alternate Voting Delegate(s); and,
2. Take a position:
 - A. in support of the Resolution or;
 - B. in opposition of the Resolution
3. Authorize the Voting Delegate and Alternate Voting Delegate to cast a vote exercising reasonable discretion in the case circumstances at the General Assembly warrant a change in vote; or

4. Provide alternate direction as deemed appropriate.