



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Approve City Position on Proposed League of California Cities' 2020 Annual Conference Resolution

BACKGROUND

Policy development is a vital and ongoing process within the League of California Cities. The principal means for deciding policy on the important issues facing cities is through the League's seven standing policy committees and board of directors. Annual conference resolutions constitute an additional way to develop League policy. Proposed by member cities, resolutions must have at least five cities and/or city officials concur before it can be included for consideration. The League of California Cities (League) *2020 Annual Conference Resolutions Packet* (Attachment 1) has one resolution presented for consideration by the League policy committees and membership. This report provides guidance on how to vote on these issues as they pertain to City business for Councilmembers who serve on policy committees, on the resolutions committee, or as the City's voting delegate/alternates.

EXISTING POLICY

Council Policy 7.3.1 Legislative Management - Goals and Policies, Goal 7.3C: Participate in intergovernmental activities, including national, state, and regional groups, as a means to represent the City's interests, influence policy and legislation, and enhance awareness.

Council Policy 7.4.14 Legislative Advocacy Positions: City business is defined as all matters directly related to service delivery, or otherwise contributing to the City's operational success.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental, organizational or administrative activity that will not result in direct or indirect changes in the environment.

DISCUSSION

This report transmits the League's *2020 Annual Conference Resolutions Packet* (Attachment 1). The report contains the proposed resolution to be considered at the League's Virtual Annual Conference from October 7 to 9. Below is a description of the resolution, followed by staff's analysis and recommendation.

Staff may recommend the following positions: Support, Oppose, No Staff Recommendation, or Take No Position. While the meaning of Support and Oppose recommendations are clear, "No Staff Recommendation" and "Take No Position" are clarified as follows:

- No Staff Recommendation - Consistent with past practice, staff does not provide analysis or make recommendations on measures that do not impact *City business* as defined in Council Policy 7.4.14, *Legislative Advocacy Positions*.
- Take No Position - Despite a measure's ability to impact City business, Staff may recommend that Council abstain from taking a position. This recommendation to remain neutral on an issue may be made for a variety of reasons (e.g., ballot language is not clear; the pros and cons of the business impact cancel each other out; etc.). When this option is recommended, the reason will be explained in staff's analysis.

Any resolution submitted to the General Assembly must be concurred by five cities or by city officials from at least five or more cities; the concurring cities and/or officials are noted for each resolution.

Resolution No. 1 - Amendment to Section 230 of The Communications Decency Act of 1996

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.

Concurrence:

Source: City of Cerritos

Cities: City of Hawaiian Gardens, City of Lakewood, City of Ontario, City of Rancho Cucamonga, City of Roseville

Related City Policy:

General Plan 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-3.2: Control conduct recognized as a threat to life and property

Staff Analysis: Online platforms have made it possible for businesses and residents to connect with companies and people across the globe in many positive and meaningful ways. They are the foundation of online commerce and the sharing of information that guides our culture and drives our economy.

However, the same technology that provides bridges to other cities, states and countries also creates opportunities for criminals. They allow criminals to enter our city through a virtual highway to promote activities that are a danger to residents and businesses. Our community is vulnerable to a broad range of criminal activities, such as human trafficking, sexual exploitation of minors, and sale of illicit drugs.

To help contain individuals who promote criminal activity and whose access to the public is nearly

limitless, this resolution would place responsibility for identifying and removing content that solicits criminal activity at its source: the online platform. It would also require online platforms to work with law enforcement agencies to identify persons who solicit and engage in criminal activity. Further, the resolution would ensure that online platforms that willfully or negligently fail to remove criminal solicitation content, or assist law enforcement in identifying those responsible, will be criminally and civilly liable for their behavior.

This resolution would create law that supports the City's General Plan goal of maintaining a safe and secure city. It aligns with City's website terms of use by holding online platforms to the same standard that Sunnyvale sets for itself; that is, committing to the removal of any post that promotes or solicits illegal activity (Attachment 2).

Recommended Position: Support

FISCAL IMPACT

The resolutions will not have a direct fiscal impact on the City.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, Sunnyvale Public Library and Department of Public Safety. In addition, the agenda and report are available at the Office of the City Clerk and on the City's website.

STAFF RECOMMENDATION

Approve a Support position for the proposed Resolution No. 1 (Amendment to Section 230 of The Communications Decency Act of 1996), and authorize the City's voting delegate/alternates to cast votes consistent with the City Council's adopted positions.

As stated, the staff recommended position is consistent with City Policy and provides Councilmembers who serve on policy committees, on the resolutions committee, or as the City's voting delegate/alternates, guidance on how to vote on the issue as it pertains to City business.

Reviewed by: Michelle Zahraie, Management Analyst

Reviewed by: Jaqui Guzmán, Deputy City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENT

1. League of California Cities 2020 Annual Conference Resolutions Packet
2. Social Media Policies - Terms of Use