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Staff Report for City Council Discussion and Determination of City Position on Resolutions of the League of California Cities to be voted on at the 2015 Annual Conference

SUMMARY AND RECOMMENDATIONS

Staff recommends that the City Council take a position on the following three draft resolutions that will be considered by the League of California Cities ("League") at the upcoming 2015 Annual Conference:

1. Motion Supporting the League's Resolution Relating to League Bylaw Amendments Regarding Succession of League Offices to Fill Vacancies
2. Motion Supporting the League's Resolution Calling for Legislation to Preserve Therapeutic Environments for Group Homes and Avoid Impacts of Overconcentration of Alcohol and Drug Abuse Recovery and Treatment Facilities in Residential Neighborhoods
3. Motion Supporting the League's Resolution Supporting SB 593 (McGuire) and Continues Local Flexibility for Cities as They Address Neighborhood and Fiscal Impacts of Temporary Rentals of Residential Units

BACKGROUND/ ANALYSIS

The League of California Cities ("League") 2015 Annual Conference is scheduled for September 30 - October 2 in San Jose. An important part of the Annual Conference is the General Assembly Meeting, at which each City is encouraged to send a voting delegate. By Resolution No. 2015-124, adopted on July 6, 2015, the City Council designated Council Member Lee Thomas as the voting delegate and Council Member Corina Lopez as the alternate voting delegate.

At the Conference, the League will consider four resolutions that City delegates will be asked to vote

upon. A summary of each of these four resolutions, and staff's recommended actions, if any, are provided below. The full text of each of the resolutions and related analysis is also provided as an attachment to this report.

1. Resolution Relating to League Bylaw Amendments Regarding Succession of League Offices to Fill Vacancies

Background: The past few years have yielded several occasions where the succession line for Board of Directors leadership was disrupted due to officers failing to achieve re-election in their local communities, and/or officers taking office outside of city government.

Analysis: This resolution seeks to streamline the succession process when filling a vacancy for the office of President of the Board of Directors. It would allow for the Immediate Past President to fill an unexpected vacancy in the office of President for the remainder of the vacating President's term.

Summary: Adoption of this resolution would help to ensure the most experienced member of the Executive Committee (the Immediate Past President), would be eligible to fill out the remainder of the term of office of a President who leaves the office before its term is completed, if the Immediate Past President is willing and able to do so.

Staff Recommendation: Support

2. Resolution Calling for Legislation to Preserve Therapeutic Environments for Group Homes and Avoid Impacts of Overconcentration of Alcohol and Drug Abuse Recovery and Treatment Facilities in Residential Neighborhoods

Background: State law preempts local zoning regulation for licensed drug and alcohol treatment facilities. State and federal anti-discrimination laws require cities to treat facilities that function as single housekeeping units the same as any other "family." In many areas of the state, these facilities are impacting residential neighborhoods because their concentration in certain neighborhoods tends to change the character of the area from a residential neighborhood to more like a hospital and institutional zone, among other issues.

Analysis: This resolution highlights an issue that continues to create zoning and land use challenges in single-family neighborhoods across the state. City staff consulted with the San Leandro Chief of Police and Community Development Director, who confirmed that San Leandro has at least one facility in a residential neighborhood, believed to be operating as a mental health facility, which has created some issues for the neighborhood.

Summary: Support for the Resolution would simply encourage the Governor and the Legislature to work with the League and other stakeholders to explore options to address overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods, while respecting important legal rights of patients and legal obligations of public entities.

Staff Recommendation: Support

3. Resolution Supporting SB 593 (McGuire) and Continues Local Flexibility for Cities as They Address Neighborhood and Fiscal Impacts of Temporary Rentals of Residential Units

Background: The sharing economy has quickly become common place in everyday life, and includes mobile applications that allow for ride-sharing or short-term rentals of residences or apartments. These types of applications have provided benefits to many, but have also raised issues and public safety concerns for the communities in which they operate, including reducing the supply of long-term rental housing, bringing transient renters and their vehicles into residential neighborhoods, and impeding the ability of local agencies from collecting transient occupancy taxes (TOTs).

Analysis: Many California cities, including San Leandro, require the owners of rental properties to register with the City and pay a business license tax. At this time, San Leandro has not established a program to collect a TOT on this type of use due to the administrative burden. Additionally, collection of TOTs would likely be underreported because owners must voluntarily report their rental activity.

Summary: This Resolution seeks to highlight and increase support for SB 593 (McGuire), which would: 1) Prohibit the operators of short-term residential hosting platforms from advertising residential units for tourist or transient use if such use will violate any local ordinance, regulation, or law, within the applicable city that opts into the bill's provisions; 2) Require short-term rental housing platforms to collect and remit applicable transient occupancy tax (if short-term rentals are allowed in the city and the collection of TOT is required by the city); and 3) Require the confidential quarterly reporting of the address of each residential unit that was occupied for tourist or transient use during the quarterly period, the total number of nights the residential unit was occupied for tourist or transient use, and the amounts paid for the occupancy of the residential unit for tourist or transient use.

Staff Recommendation: Support

4. *Resolution Calling upon the Governor and the Legislature to work with the League of Cities to Enact Legislation or Otherwise Compel Southern California Edison to Create a Program to Automatically Provide Direct Compensation to Its Customers Affected by Prolonged Electrical Power Outages Under Specific Circumstances*

Background: Southern California Edison (SCE), an investor-owned utility serving 15 million customers in Southern and Central California, experiences frequent and prolonged service disruptions due to both planned and unplanned outages, equipment failures and weather-related events, which adversely affect local governments within its service area.

Analysis: This Resolution calls upon the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel Southern California Edison (SCE) to create a program to automatically provide direct compensation to its customers affected by a prolonged electrical power outage under specified circumstances. Pacific Gas & Electric already provides a similar mechanism for its customers.

Summary: The City of San Leandro is situated outside of the service area boundaries of Southern California Edison. Therefore, the City is not directly affected by its actions. As such, staff recommends that the City abstain from taking a position on this resolution.

Staff Recommendation: Abstain

ATTACHMENT

- Annual Conference Resolutions Packet

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