



Staff Reports

File #: 290-2020, **Version:** 1

To: Honorable Mayor and Members of City Council

From: Tiffany Carranza, City Clerk

Prepared By: Caitlin Saldanha, Deputy City Clerk

TITLE:

Encouraging Action by Other Governmental Agencies during the League of California Cities (“LOCC”) Annual Conference

RECOMMENDED ACTION:

Authorize the City’s voting delegate at the LOCC Annual Conference Business Meeting, on October 9, 2020, to vote in favor of one proposed LOCC resolution calling upon the U.S. Congress to amend Section 230 of the Communications Decency Act of 1996 to require social media companies to take actions that will facilitate the removal of materials which promote criminal activities.

DISCUSSION:

The League of California Cities (LOCC) will hold its Annual Conference October 7 - 9, 2020 virtually. At the Annual Conference, the LOCC conducts its Annual Business Meeting where the voting delegate of each League Member votes to support or oppose proposed LOCC resolutions. These resolutions help guide cities and the LOCC in efforts to improve the quality, responsiveness and vitality of municipal government in California.

On September 1, 2020, the City Council appointed Mayor Jill Techel as the City’s voting delegate to represent the City at the LOCC’s Annual Business Meeting. Vice Mayor Doris Gentry was appointed as the alternate voting delegate. A copy of the LOCC Voting Delegate Letter submitted on September 1, 2020 to the LOCC has been provided for reference as Attachment 1.

The LOCC’s bylaws stipulate that each City is entitled to one vote on matters raised during the Annual Business Meeting. The LOCC encourages each city council to consider the proposed resolutions and to determine a city position by providing voting direction to their appointed voting delegate in advance of the Annual Business Meeting.

There is one resolution proposed for consideration, which has been included as Attachment 2 for reference. The intent of the proposed resolution is to address the use of social media platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdiction where crimes occurred.

Congress is currently reviewing antitrust legislation and by extension, immunity provisions under

Section 230 of the Communications Decency Act of 1996. The League urges Congress to amend Section 230 to limit the immunity provided to online platforms when they promote criminal activity to provide local governments some measurable form of relief. The proposed resolution requests 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.

This proposed resolution aligns with the City of Napa's priorities to increase public safety for the community and benefits law enforcement efforts by reducing violence.

FINANCIAL IMPACTS:

None.

CEQA:

The City Clerk has determined that the recommended action described in this agenda report is not subject to CEQA, pursuant to CEQA Guidelines Section 15060(c).

DOCUMENTS ATTACHED:

ATCH 1 - 2020 LOCC Voting Delegate Letter

ATCH 2 - Proposed Resolution

ATCH 3 - 2020 Annual Conference Resolutions Packet

NOTIFICATION:

None.