

## **CITY OF ALAMEDA**

### Memorandum

To: Honorable Mayor and  
Members of the City Council

From: Debra Kurita  
City Manager

Date: August 21, 2007

Re: Discuss and Take Action on the Proposed Iraq War Resolution

### BACKGROUND

On July 3, 2007, the City Council discussed a proposed resolution by Councilmember Matarrese entitled, "City of Alameda Resolution Supporting a Diplomatic Approach to Ending the Iraq War and Bringing Our Troops Home." After discussing the item and hearing from members of the public, the Council agreed to place the resolution on a future City Council agenda and requested additional information to help frame the discussion.

### DISCUSSION

During the July 3, 2007, meeting, the Council requested information on the readiness of California's National Guard troops to respond to a natural disaster in Alameda. That information is contained in Attachment 1.

In addition, Council requested information on SB 924, a bill sponsored by Senator Don Perata that would place an advisory question on the February 5, 2008, statewide ballot and direct the Secretary of State to communicate the results of the election to President Bush. The advisory question is:

Shall President George W. Bush, in support of the men and women serving in the Armed Forces of the United States, end the United States occupation of Iraq and immediately begin the safe and orderly withdrawal of United States forces; and, further, shall President George W. Bush and the Congress provide the necessary diplomatic and nonmilitary assistance to promote peace and stability in Iraq and the Middle East?

SB 924, which is included as Attachment 2, passed the Senate on June 6, 2007, and is now pending in the Assembly Appropriations Committee. According to the Appropriations Committee's analysis, the bill would have to be passed by the Legislature and signed into law by the Governor by September 27 in order to be placed on the February 2008 ballot. The last day for the Appropriations Committee to meet

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**08-21-07**

and report bills to the Assembly Floor is August 31, while the Legislature is scheduled to adjourn for the year on September 14.

BUDGET CONSIDERATION/FINANCIAL IMPACT

There is no impact on the General Fund.

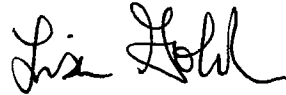
MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This action does not affect the Municipal Code.

RECOMMENDATION

Discuss and take action on the proposed Iraq resolution.

Respectfully submitted,



Lisa Goldman  
Deputy City Manager

Attachment:

1. Information on California National Guard
2. SB 924 (Perata), as amended on June 4, 2007

## California National Guard Information

According to the Commission on the National Guard and Reserves, the National Guard is located in all 50 states and four territories. The National Guard is unique in that it serves both state and federal authorities. This dual status is rooted in Article 1, Section 8 of the Constitution, which states that "Congress shall have the power ... To provide for organizing, arming, and disciplining, the Militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the Militia according to the discipline prescribed by Congress."

When in federal status, the Army National Guard acts as a reserve component of the Army, and the Air National Guard acts as a reserve component of the Air Force. The President commands the troops that are in federal status. Title 10 of the United States Code, which is the section that prescribes the use of the Armed Services while in federal service, gives the President authority to activate reservists for various periods of time and to deploy them to other countries.

When in state status, the Army and Air National Guard operate under the orders of the state's governor and assist with emergency response. They can also augment civil authorities in maintaining law and order during times of civil unrest, such as the Los Angeles riots in the early 1990s. Civil laws, such as the Posse Comitatus Act of 1878, prohibit the use of federal troops in law enforcement.

Under Title 32 of the U.S. Code, National Guard forces remain under control of the state governor and in their assigned units but receive federal funding. These troops are available to deploy with their units and can be used for such duties as border patrol and airport security.

The dual nature of the National Guard creates tensions between their federal and state commanders. While states are free to provide resources to their National Guard units, approximately 90% of funding for the National Guard comes from the federal government, while only 10% comes from the states.

According to Lieutenant Colonel Michael Wells, Deputy for Government Affairs with the California National Guard (CNG), the CNG has 21,000 total personnel. As of mid-July, approximately 3,300 of those troops were deployed outside of California. The remaining troops are in California and able to meet the preponderance of state emergency assistance requests passed to them by the State Office of Emergency Services. The CNG could not respond to a Hurricane Katrina-sized disaster, but Lt. Col. Wells said that no state's National Guard would be able to respond alone to such a large event.

The CNG can mobilize 500 troops within 12 hours in Southern California and 500 troops within 12 hours in Northern California. 12,000 personnel can be brought in to assist in any emergency within 48 hours. For comparison, 11,000 troops were brought in during the Los Angeles riots. The CNG is ready and able to respond to small and medium-sized domestic emergencies right now, such as wildfires, but they are not first responders. The local police and firefighters serve that role. Rather, the CNG helps with logistics and organizational structure.

Lt. Col. Wells also maintained that CNG equipment shortages are the result of a decade of underfunding by the federal Department of Defense, not a result of sending equipment outside of California to Iraq and other locations. As of mid-July, approximately 200 CNG vehicles, or one battalion's worth of vehicles, were in Iraq. If the CNG had full federal funding, they would have 30 to 40 battalion's worth of vehicles. Instead, they have 50-55% of their authorized vehicles.

In early August, Senator Barbara Boxer released a letter from acting U.S. Army Secretary Peter Geren in which he said that CNG troops could respond to small and medium domestic missions but "equipment shortages could potentially limit their capability to fully respond to large-scale emergencies such as a catastrophic earthquake or major flood." The CNG's adjutant general, Major General William Wade, disagreed with Mr. Geren's conclusions, saying that the state is fully prepared to respond to all types of disasters.

AMENDED IN SENATE JUNE 4, 2007  
AMENDED IN SENATE MAY 15, 2007  
AMENDED IN SENATE APRIL 9, 2007

**SENATE BILL**

**No. 924**

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**Introduced by Senator Perata**  
**(Principal coauthors: Senators Migden and Romero)**  
**(Coauthors: Senators Corbett, Kuehl, Oropeza, Ridley-Thomas,**  
**Scott, Steinberg, and Wiggins)**  
**(Coauthor: Assembly Member Dymally Coauthors: Assembly Members**  
**Dymally and Eng)**

February 23, 2007

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An act relating to Iraq, and calling an election, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 924, as amended, Perata. Iraq war: advisory election.

**This**

*(1) This bill would require the Secretary of State to call an election for the purpose of placing before the voters of the state an advisory question asking whether the President should end the United States occupation of Iraq, and whether the President and the Congress should provide the necessary diplomatic and nonmilitary assistance to promote peace and stability in Iraq and the Middle East. The bill would require the Secretary of State to communicate the results of this election to the President and to consolidate this election with the statewide presidential primary election of February 5, 2008. By increasing the duties of local elections officials, the addition of an election to place an advisory question on the ballot would impose a state-mandated local program.*

The

(2) *The* California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This

(3) *This* bill would declare that it is to take effect immediately as an act calling for an election.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Whereas, The United States is now into the fifth year of a  
4 war in Iraq with no end in sight; and

5 (b) Whereas, On May 1, 2003, President Bush declared the “end  
6 of major combat operations” in Iraq, yet tragic military and civilian  
7 casualties and injuries in Iraq continue, with the fourth year of this  
8 conflict resulting in the greatest number of casualties and injuries;  
9 and

10 (c) Whereas, Despite the deaths of ~~more than 3,300~~ *nearly 3,500*  
11 American men and women in our Armed Forces, and the injury  
12 of ~~more than 24,000~~ *25,000* Americans, President George W. Bush  
13 has refused to begin a safe and orderly withdrawal of American  
14 soldiers from Iraq; and

15 (d) Whereas, Civilian casualties in Iraq have been significant,  
16 with ~~more than 62,000~~ *64,000* civilian Iraqi men, women, and  
17 children killed, and many more wounded or displaced from their  
18 homes; and

19 (e) Whereas, Hostilities in Iraq have continued for more than  
20 four years, requiring the expenditure of more than  
21 \$350,000,000,000, an amount that has forced the federal  
22 government to devote fewer resources to properly funding schools,  
23 health systems, homeland security, and other vital domestic needs;  
24 and

1 (f) Whereas, Three hundred ~~forty-six~~ *sixty-two* Californians  
2 have been among the service members killed in the Iraq conflict,  
3 more than any other state, and thousands more Californians,  
4 including more than 800 members of California's National Guard,  
5 remain deployed in Iraq and at grave risk; and

6 (g) Whereas, The widely respected and bipartisan Iraq Study  
7 Group recommended that the United States withdraw its Armed  
8 Forces from Iraq by early 2008; and

9 (h) Whereas, In spite of a growing consensus among experienced  
10 and respected military officials, diplomats, scholars, and the  
11 American public that the time has come to begin the safe and  
12 orderly withdrawal of United States Armed Forces, the Bush  
13 Administration has chosen instead to jeopardize the safety of  
14 additional personnel with an ill-conceived "surge", an increase in  
15 the number of troops deployed to Iraq; and

16 (i) Whereas, Despite the best efforts and tremendous sacrifices  
17 made by service members and their families, the continued  
18 presence of United States Armed Forces will not lead to peace and  
19 stability in Iraq or the Middle East.

20 (j) Therefore, in support of the men and women serving in the  
21 United States Armed Forces in Iraq, this act provides the people  
22 of California the opportunity to voice their heart felt concerns and  
23 to be heard at the ballot on this critical issue.

24 SEC. 2. (a) The Secretary of State shall call an election for  
25 the purpose of placing before the voters of this state the following  
26 advisory question:

27 Shall President George W. Bush, in support of the men and  
28 women serving in the Armed Forces of the United States, end the  
29 United States occupation of Iraq and immediately begin the safe  
30 and orderly withdrawal of ~~all~~ United States forces; and, further,  
31 shall President George W. Bush and the Congress provide the  
32 necessary diplomatic and nonmilitary assistance to promote peace  
33 and stability in Iraq and the Middle East?

34 (b) Upon certification of the election, the Secretary of State  
35 shall communicate to President George W. Bush the results of the  
36 election asking the question set forth in subdivision (a).

37 (c) The provisions of the Elections Code that apply to the  
38 preparation of ballot measures and ballot materials at a statewide  
39 election shall apply to the measure submitted pursuant to this  
40 section.

1 (d) Notwithstanding Section 9040 of the Elections Code, the  
2 Secretary of State shall consolidate the election provided for in  
3 subdivision (a) with the statewide presidential primary election to  
4 be held on February 5, 2008.  
5 SEC. 3. If the Commission on State Mandates determines that  
6 this act contains costs mandated by the state, reimbursement to  
7 local agencies and school districts for those costs shall be made  
8 pursuant to Part 7 (commencing with Section 17500) of Division  
9 4 of Title 2 of the Government Code.  
10 SEC. 4. This act calls an election within the meaning of Article  
11 IV of the Constitution and shall go into immediate effect.

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CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

SUPPORTING A DIPLOMATIC APPROACH TO ENDING THE  
IRAQ WAR AND BRINGING OUR TROOPS HOME

WHEREAS, the City Council of the City of Alameda, on March 16, 2003, passed resolution 13565, which encouraged a multilateral diplomatic approach to the Iraq situation as provided by the United Nations as an alternative to war; and

WHEREAS, The City of Alameda strongly supports the women and men serving in the United States Armed Forces in Iraq and recognizes the sacrifices that each of them is making, including those made by Alamedans in active and reserve units of the services, our local U.S. Marine Corps Reserve Unit, our local Coast Guard units, and members of the California National Guard; and

WHEREAS, the war ensued and Federal policy has placed our troops in the middle of sectarian violence within Iraq, tantamount to civil war, with no plan or strategy for eventual exit; and

WHEREAS, the costs of deploying U.S. troops, in particular the call-up and over-extension of our reservists and members of the California National Guard for deployment in Iraq have been significant, as determined in lost lives, combat injuries, psychic trauma, disruption of family life, financial hardship for individuals, families, and businesses, interruption of careers; and

WHEREAS, the men and women of the U.S. Armed Forces continue to serve in Iraq with bravery and distinction; and

WHEREAS, many of our veterans returning from this war and prior wars with injury and or trauma will, along with their families, require and deserve the best medical and social services to address their needs as a result of their service; making increased quality health care necessary across the country and including services provided in Alameda County and the City of Alameda; and

WHEREAS, the continued deployment of the California National Guard and Coast Guard units to Iraq puts Alameda and many California communities at risk in the event of a natural disaster, such as a major earthquake or storm; and

Approved as to Form

  
City Attorney

WHEREAS, the costs have resulted in unprecedented Federal budget deficits, which have and will affect the State of California and Alameda directly.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Alameda calls upon the President, Congress and the Governor of California and our state legislators to take immediate steps to establish a diplomatic approach to the violence in Iraq, a plan for bringing our troops home, turning the resolution of the conflict over to the United Nations and place a top priority on providing the necessary health care and social services to our veterans; and

BE IT FURTHER RESOLVED that the City of Alameda calls for full funding of services to the brave men and women returning after service in the United States Armed Forces, including medical, psychological, housing, and other support services, and support to local governments funding such services.

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda