

RESOLUTION 2017-201

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO RESCINDING RESOLUTION 2010-049—OPPOSING SB 1070 STATE OF ARIZONA LAW

WHEREAS, on May 17, 2010, the San Pablo City Council adopted Resolution 2010-049 which opposed SB 1070, the Arizona Law signed by Governor Brewer on April 23, 2010, which at that time was the broadest and strictest anti-illegal immigration measure in decades and received national and international attention and extensive controversy;

WHEREAS, there were numerous legal challenges to Arizona SB 2010 over its Constitutionality and compliance with civil rights law. In June 2012, the United States Supreme Court in *Arizona v. United States*, 567 U.S. 387 (2012) struck down three key provisions of the law as preempted by the federal government's authority over immigration. The Supreme Court did not strike down the requirement in SB 2010 that state officers make a reasonable attempt to determine the immigration status of any person they stopped, detained, or arrested on some other legitimate basis (sometimes called the "show your papers" requirement). This part of the case was remanded to the Ninth Circuit and there were more legal proceedings that followed;

WHEREAS, in June 2016, a settlement agreement was reached between the State of Arizona and plaintiff law firms including the ACLU and MALDEF on the remaining provision in SB 1070. The State of Arizona paid \$1.4 million of legal fees and the Arizona Attorney General's Office set new guidelines for law-enforcement officers when they encounter people who may be undocumented or violating federal immigration laws;

WHEREAS, it appears that SB 1070 has in effect been repealed, and the City Council's previous Resolution 2010-049 is no longer in effect;

WHEREAS, on March 6, 2017, the City Council adopted Resolution 2017- 045 which clearly established its current adopted policy on Federal immigration enforcement policy including not authorizing federal enforcement responsibilities for the San Pablo Police Department;

WHEREAS, the City Council previously adopted Resolution 2010-49 contained language which also prohibited City staff from:

".....travelling to or through Arizona while on city business until SB 1070 is repealed, and further directs City staff to refrain from establishing any future or new business relationships to conduct essential city business functions with entities that are in Arizona until SB 1070 is repealed."

WHEREAS, as a result of US Supreme Court action in *Arizona v. United States*, 567 U.S. 387 (2012), and the settlement agreement reached by State of Arizona and plaintiffs in 2016, and consistent with previous language contained in Resolution 2010-049, the City Manager recommends the City Council adopt this resolution to officially rescind previous Resolution 2010-049.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of San Pablo officially rescinds Resolution 2010-049; and

BE IT FURTHER RESOLVED that the foregoing recitations are true and correct, and are included herein by reference as findings.

ADOPTED this 16th day of October 2017, by the following vote:

AYES:	COUNCILMEMBERS:	Cruz, Kinney, Moris, Calloway and Valdez
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:	APPROVED:
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/s/ Elizabeth Pabon-Alvarado
Elizabeth Pabon-Alvarado, City Clerk

/s/ Cecilia Valdez
Cecilia Valdez, Mayor