

RESOLUTION 2018-###

RESOLUTION OF THE SAN PABLO CITY COUNCIL REAFFIRMING SUPPORT FOR STATE SENATE BILL 54 (CALIFORNIA VALUES ACT), AND AUTHORIZING SIGNING ONTO THE *AMICUS CURIAE* "FRIEND OF THE COURT" BRIEF TO BE FILED BY THE COUNTY OF SANTA CLARA IN *UNITED STATES OF AMERICA vs. STATE OF CALIFORNIA, NINTH DISTRICT COURT OF APPEALS* (Case No.18-16496)

WHEREAS, immigrants are a vital part of California's heart and soul and contribute profoundly to bettering our communities, and we recognize the humanity of all people who call our community home;

WHEREAS, all people should be treated fairly by law enforcement, no matter what they look like or where they were born;

WHEREAS, the threat of deportation puts victims and witnesses of crime at risk, which may affect the number of reports of domestic violence and sexual assault;¹

WHEREAS, the California Values Act (also known as Senate Bill 54, codified at California Government Code § 7282 *et seq.*) prevents state and local law enforcement resources from being commandeered by the federal government and diverted to tear families apart, and limits immigration enforcement actions at public schools, hospitals, and courthouses;

WHEREAS, some studies show that sanctuary jurisdictions have lower rates of violent crime on average than those without sanctuary policies;²

WHEREAS, the Tenth Amendment to the U.S. Constitution makes clear that the federal government cannot force states to use state resources to carry out federal programs and policies;

WHEREAS, the California Values Act is consistent with federal law, fully constitutional, and helps protect due process for all Californians, including immigrants;

WHEREAS, a spokesperson for U.S. Immigration and Customs Enforcement resigned in March 2018, citing fabrications by the agency's director and stating the he "didn't want to perpetuate misleading facts;"³

¹ James Queally, "Latinos are reporting fewer sexual assaults amid a climate of fear in immigrant communities, LAPD says," L.A. TIMES, Mar. 21, 2017, <http://www.latimes.com/local/lanow/la-me-ln-immigrant-crime-reporting-drops-20170321-story.html>.

² Tom K. Wong, "The Effects of Sanctuary Policies on Crime and the Economy," Center for American Progress, Jan. 26, 2017, <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>.

³ Megan Flynn & Avi Selk, "ICE spokesman resigns, citing fabrications by agency chief, Sessions about California immigrant arrests," Washington Post, Mar. 13, 2018, <https://www.washingtonpost.com/news/morning-mix/wp/2018/03/13/ice-spokesman-resigns-over-false-statements-by-top-officials-about-calif-immigrant-arrests/>.

WHEREAS, the California Values Act sets a minimum standard across the state to limit abuses;

WHEREAS, the City of San Pablo values all members of our community, embraces compassion, equality, and inclusion, and proudly defends the rights of all residents, including immigrants;

WHEREAS, the City of San Pablo refuses to use California resources to separate children from their parents and detain and deport millions of hard-working mothers and fathers, neighbors, co-workers, and friends;

WHEREAS, the City of San Pablo City Council reaffirmed its federal immigration enforcement policy under City Council Resolution 2017-045 adopted on March 6, 2017 which clearly stated that it would not compromise its commitment to community policing and public safety by taking on federal immigration enforcement responsibilities that appropriately rest with federal authorities;

WHEREAS, the SB 54 state law also supports these same policy objectives as adopted by the San Pablo City Council as contained in City Council Resolution 2017-045; and

WHEREAS, on March 6, 2017, the City of San Pablo moved to support the California Values Act while it was in the state legislature, and the City of San Pablo further sent a letter of support for the bill on March 9, 2017 to the bill's author, Senate President Pro Tempore Kevin De Leon.

NOW, THEREFORE, BE IT RESOLVED that the City of San Pablo reaffirms its strong support of the SB 54 state law – The California Values Act; and

BE IT FURTHER RESOLVED that the San Pablo City Council directs the City Attorney to join an amicus brief in support of the State of California in *United States of America v. State of California et al. (Ninth Circuit, Case No. 18-16496)* to be filed by the County of Santa Clara.

ADOPTED this 7th day of November 2018, by the following votes:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

ATTEST:

APPROVED:

Elizabeth Pabon-Alvarado, City Clerk

Genoveva Garcia Calloway, Mayor