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

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Attachments: 1. RESO 2017-201 Rescind Resolution 2010-049 SB 1070 Arizona Law, 2. 2010-049 Arizona Law SB1070 Oppose and Repeal (003).pdf

Date	Ver.	Action By	Action	Result
10/17/2017	1	City Council	adopted	Pass

PREPARED BY: MATT RODRIGUEZ **DATE OF MEETING:** 10/16/17

SUBJECT:

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

CITY MANAGER RECOMMENDATION

Adopt Resolution

COMPLIANCE STATEMENTS

FY 2015-17 Council Priority Workplan Compliance Statement

Opposition to Arizona SB 1070 Law is a current adopted policy contained in the FY 2015-17 Council Priority Workplan, effective October 1, 2016.

CEQA Compliance Statement

This is not a project as defined by CEQA.

BACKGROUND

On October 2, 2017, the San Pablo City Council directed by unanimous minute action vote to direct development of a new Resolution to rescind formerly adopted Resolution 2010-049 which opposed the SB 1070 Arizona law signed by Arizona Governor Brewer on April 23, 2010. At that time, Arizona’s SB 1070 was the broadest and strictest anti-illegal immigration measure in decades and received national and international attention and extensive controversy. Additionally, Resolution 2010-49 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“.....travelling to or through Arizona while on city business until SB 1070 is repealed, and further directs City staff to refrain from establishing any future or new business relationships to conduct essential city business functions with entities that are in Arizona until SB 1070 is repealed.”

Subsequent to the City Council's adoption of Resolution 2010-49, 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.

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. Accordingly, it appears that SB 1070 has in effect been repealed, and the City Council's previous Resolution 2010-049 is no longer in effect. Furthermore, 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 our San Pablo Police Department.

City Manager Recommendation - Rescind Resolution 2010-049

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 a resolution to formally rescind previous Resolution 2010-049.

FISCAL IMPACT

No direct fiscal impact associated with this action.

Attachment: Resolution 2010-049