



Legislation Text

File #: #18-394, Version: 1

PREPARED BY: MATT RODRIGUEZ

DATE OF MEETING: 11/07/18

SUBJECT:

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

CITY MANAGER RECOMMENDATION

Presented for City Council formal discussion and deliberation as directed by majority vote at the November 5, 2018 City Council meeting.

COMPLIANCE STATEMENTS *Immigration Integration Legislation, Projects & Services (City Council Resolution #2017-045)* is an adopted policy or program under the FY 2018-21 Council Priority Workplan, effective November 1, 2017.

CEQA Compliance Statement

This is not a project as defined by CEQA.

BACKGROUND

On March 6, 2017, the City Council adopted Resolution 2017-045, which upheld the Police Department's commitment to local community policing and reporting and reflects that immigration enforcement is a federal matter. Additionally, as part of the same action made on March 6, 2017, the City Council directed support for the SB 54 (California Values Act) legislation sponsored by State Senator Kevin De Leon (see Attachment). A letter of support was subsequently transmitted on March 9, 2017 to State Senator De Leon supporting the SB 54 legislation (see Attachments).

The City Council supported the SB 54 legislation to uphold the need for community trust and cooperation as an essential component of policing and public safety in San Pablo. Entangling local policing with additional federal immigration enforcement responsibilities would seriously compromise the City's ability to maintain the trust and support of our diverse community, and would result in using local taxpayer funds to handle these federal responsibilities.

The City of San Pablo's adopted policy under City Council Resolution 2017-045 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. SB 54 also supports these same policy objectives as adopted by the San Pablo City Council as contained in City Council Resolution 2017-045.

Following adoption of SB 54 into law on January 1, 2018, the federal government filed a lawsuit against the State of California arguing that federal law preempts SB 54, Assembly Bill 450 and Assembly Bill 103. On May 18, 2018, a total of 25 cities and counties filed an *amicus curiae* brief at

the trial court proceeding. A copy of this *amicus curiae* brief is attached for City Council review (See Attachment). The federal court judge dismissed the lawsuit filed by the federal government and the federal government has appealed to the Ninth Circuit.

At the November 5, 2018 City Council meeting, on motion made by Mayor Calloway, a majority of the City Council agreed via a 4-0 vote to proceed with scheduling a discussion to potentially support the *amicus curiae* brief to the Ninth Circuit being prepared by the County of Santa Clara via adopted Resolution, and directed the holding of a Special City Council meeting on Wednesday, November 7, 2018. A Closed Session was also authorized for discussion of the *amicus curiae* brief.

FISCAL IMPACT

None associated with this report; although, there may be impacts from taking a more vocal position against the federal government.

ATTACHMENTS

1. Minutes of the March 6, 2017 City Council regular meeting (Agenda No. #14)
2. City Council Resolution 2017-045 (Adopted March 6, 2017)
3. *Amicus Curiae* Brief filed on May 18, 2018 to support the State of California's defense of SB 54 in *United States v. California*