

RESOLUTION NO. 18-8621

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
IN SUPPORT OF THE STATE OF CALIFORNIA'S ACTION TO
UPHOLD AND DEFEND ASSEMBLY BILL 450, ASSEMBLY BILL
103, AND SENATE BILL 54 IN *UNITED STATES v. CALIFORNIA*

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the State legislature passed Assembly Bill 450 (Immigrant Worker Protection Act), Assembly Bill 103 (Amendment to the Budget Act of 2017), and Senate Bill 54 (California Values Act), all of which went into effect in January 2018;

WHEREAS, AB 103 mandates that all county, local, and private facilities holding noncitizens for civil immigration proceedings provide access to the California Attorney General such that the AG could review the conditions of confinement, the standard of care and due process provided, and the circumstances around the detainees' apprehension and transfer to the facility;

WHEREAS, AB 450 prohibits private employers from consenting to warrantless searches by ICE agents, from providing ICE with access to employees' personnel records without a subpoena or warrant, and requires employers to give employees 72 hours advanced notice of such an inspection;

WHEREAS, SB 54 prohibits local law enforcement from inquiring into a person's immigration status, holding an individual on the basis of an ICE detainer, providing to immigration authorities non-public information regarding an inmate's or detainee's release date, providing immigration authorities any personal information about an individual, and transferring an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination;

WHEREAS, On March 6, 2018, the U.S. Department of Justice sued California in the United States District Court for the Eastern District of California (*United States v. California*, Case Number 2:18-cv-00490), seeking an injunction that would block the application of these three State laws;

WHEREAS, in July 2018 the District Court enjoined enforcement of AB 450, but denied the federal government's request for injunction as to AB 103's provisions mandating access to immigration detention facilities, and SB 54's directive that state and local agencies refuse to cooperate with Immigration and Customs Enforcement agents;

WHEREAS, the federal government has appealed the District Court's ruling to the Ninth Circuit, and that appeal is currently pending;

WHEREAS, the City of Santa Clara has a strong tradition of embracing and valuing diversity and respecting the civil and human rights of all residents regardless of their immigration status;

WHEREAS, fostering a relationship of trust, respect and open communication between City officials and residents is essential to the City's mission of delivering efficient public services in partnership with our community which ensures public safety, a prosperous economic environment, opportunities for our youth, and a great quality of life for residents;

WHEREAS, the City of Santa Clara seeks to continue to foster trust between City officials and residents, to protect limited local resources, to encourage cooperation between residents and City officials, including especially law enforcement officers and employees, and to ensure public safety, and due process for all;

WHEREAS, the City Council of the City of Santa Clara believes that (1) sanctuary policies such as those contained in AB 450, AB 103 and SB 54 actually promote public safety, health and welfare of residents, (2) state and local governments are in the best position to determine the best interests of their residents, and (3) the federal government's action to enjoin these three state laws violates fundamental concepts of local sovereignty;

WHEREAS, the City Council of the City of Santa Clara believes that a decision in favor of the federal government could adversely affect the interests of residents of the City; and

WHEREAS, the City Council of the City of Santa Clara desires to express its support for the State of California in its efforts to uphold and defend AB 450, AB 103 and SB 54.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the City Council of the City of Santa Clara fully supports the actions of the State of California in defending and upholding AB 450, AB 103 and SB 54 against attempts by the federal government to enjoin the application of these laws and, further, supports the actions of numerous cities and counties throughout the State in filing amicus brief(s) in support of the State of California's position.

2. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 13th DAY OF NOVEMBER, 2018, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Davis, Kolstad, Mahan, O'Neill, and Watanabe and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: _____



NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None