

CITY COUNCIL
CONSENT CALENDAR

MAY 3, 2010

SUBJECT: A RESOLUTION DENOUNCING ARIZONA'S ANTI-IMMIGRATION LAW AND CALLING UPON THE CITY MANAGER TO IMMEDIATELY SUSPEND OFFICIAL TRAVEL TO THE STATE OF ARIZONA AND DEVELOP ADDITIONAL FINANCIAL SANCTIONS UNTIL SUCH TIME AS THE NEW LAW IS REVOKED.

INITIATED BY COUNCILMEMBER LINDSEY HORVATH
(Ivor Pine, Council Deputy) 19

STATEMENT ON THE SUBJECT:

The City Council will consider adopting a resolution denouncing Arizona's anti-immigration law which calls on the City Manager to immediately suspend official travel to the State of Arizona and directs the City Attorney and City Clerk to review current and likely future contracts with Arizona-based businesses in order to examine the feasibility of ascertaining such products and services elsewhere until such time as the new law is revoked.

RECOMMENDATIONS:

- 1) Adopt Resolution No 10-_____, "A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENOUNCING ARIZONA'S ANTI-IMMIGRATION LAW WHICH CALLS UPON THE CITY MANAGER TO IMMEDIATELY SUSPEND OFFICIAL TRAVEL TO THE STATE OF ARIZONA AND DEVELOP ADDITIONAL FINANCIAL SANCTIONS UNTIL SUCH TIME AS THE NEW LAW IS REVOKED."
- 2) Direct City Manager to immediately suspend official travel to the State of Arizona.
- 3) Direct City Attorney and City Clerk to review all current and likely future contracts with Arizona-based businesses in order to examine the feasibility of ascertaining such products and services elsewhere
- 4) Direct Staff to send copies of the adopted resolution to President Barack Obama; Arizona Governor Jan Brewer; Arizona Representative Raul Grijalva, Arizona State Senator Russell Pearce; Phoenix Mayor Phil Gordon; Members of the California Latino Legislative Caucus; Members of the National Governor's Association; Patricia Madrid, Chairman of the Board of MALDEF; Juan Marcos Gutierrez-Gonzalez, Mexican Consul General in Los Angeles and others as deemed appropriate by the City Manager.

- 5) Continue to monitor anti-immigration efforts in Arizona with updates on status and impact of City efforts.

BACKGROUND ANALYSIS:

On April 23, 2010, Arizona Governor Jan Brewer signed into law Senate Bill 1070 (Pearce) which is the broadest and strictest immigration measure in decades. "Support Our Law Enforcement and Safe Neighborhoods Act," requires police officers at the state, county or city level to question a person about their immigration status if there is "reasonable suspicion" they are in the country illegally. It makes being in Arizona without proper documentation a crime under State law and also targets those who hire and knowingly transport immigrant day laborers. Going further, this allows residents to sue any local, county or State agency if they believe immigration laws are not being enforced. At its crux, this new immigration law aims to identify, prosecute and deport immigrants who will also face fines of up to \$2,500 and up to six months in jail. Arizona is the first and only State to demand that immigrants carry documentation legitimizing their presence.

Previously, as in most states, Arizona law enforcement could check someone's immigration status only if that person was suspected of a crime. This will change as the new law goes into effect by August. It is believed by many civil libertarians, immigrant-rights groups and opponents that this law will spur racial profiling and harassment.

President Barack Obama called Arizona's new anti-immigration law "misguided" and said it would "undermine the basic notions of fairness that we cherish as Americans as well as the trust between police and our communities that is so crucial for keeping us safe." Latino leaders have compared the new law to Apartheid in South Africa. The Mexican American Legal Defense and Education Fund (MALDEF) predicts this law will create "a spiral of pervasive fear, community distrust, increased crime and costly litigation, with nationwide repercussions." Along with the ACLU, they plan to take legal action.

The National Gay and Lesbian Task Force, a longtime advocate for comprehensive immigration reform, calls this new law "draconian and inhumane." Executive Director Rea Carey, goes on to say, "The potential for racial profiling, infringement of civil liberties, and violence and harassment against individuals and their families just going about their daily lives is enormous."

With protests and demonstrations already underway—locally and across the country—and more likely to take place, Arizona Rep. Raul Grijalva is calling for a multi-pronged approach to fighting this law. He has already asked the President to challenge it as unconstitutional and discriminatory. Further, he has called for a boycott of Arizona's goods, services and tourism.

Throughout 25 years of cityhood, West Hollywood has demonstrated a commitment to human rights. The City has been a destination for immigrant families seeking refuge. With an official ban by the City of West Hollywood on travel to the State of Arizona, and

a review of all current and likely future contracts with Arizona-based businesses to examine the feasibility of ascertaining such products and services elsewhere until the law is revoked, we endeavor to stand in solidarity with all those who seek rational and common sense immigration reform in Arizona and the United States.

EVALUATION:

Our actions in support of human rights will give others the courage to follow suit, and in doing so, bring about revocation of this law towards sensible immigration legislation.

ENVIRONMENTAL SUSTAINABILITY AND HEALTH:

This ban on Arizona further demonstrates West Hollywood's overarching commitment to its core values.

CONFORMANCE WITH VISION 2020:

This item is consistent with West Hollywood's core value respect and support for people, responsiveness to the public, idealism, creativity and innovation and quality of residential life.

OFFICE OF PRIMARY RESPONSIBILITY:

Office of Councilmember Lindsey Horvath.

FISCAL IMPACT:

TBD

RESOLUTION NO. 10-XXXX

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENOUNCING ARIZONA'S ANTI-IMMIGRATION LAW WHICH CALLS UPON THE CITY MANAGER TO IMMEDIATELY SUSPEND OFFICIAL TRAVEL TO THE STATE OF ARIZONA AND DEVELOP ADDITIONAL FINANCIAL SANCTIONS UNTIL SUCH TIME AS THE NEW LAW IS REVOKED.

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY RESOLVE AS FOLLOWS.

WHEREAS, On April 23, 2010, Arizona Governor Jan Brewer signed into law Senate Bill 1070 (Pearce) which is the broadest and strictest immigration measure in decades, and

WHEREAS, "Support Our Law Enforcement and Safe Neighborhoods Act," requires police officers at the state, county or city level to question a person about their immigration status if there is "reasonable suspicion" they are in the country illegally, and

WHEREAS, This new law makes being in Arizona without proper documentation a crime under State law and also targets those who hire and knowingly transport immigrant day laborers, and

WHEREAS, This new law aims to identify, prosecute and deport immigrants who will also face fines of up to \$2,500 and up to six months in jail, and

WHEREAS, It is believed by many civil libertarians, immigrant-rights groups and opponents that this law will spur racial profiling and harassment, and

WHEREAS, The National Gay and Lesbian Task Force, a longtime advocate for comprehensive immigration reform, calls this new law "draconian and inhumane," and

WHEREAS, President Obama, Latino leaders, MALDEF and the ACLU, among others, have criticized this law, and

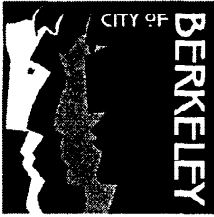
WHEREAS, Throughout 25 years of cityhood, West Hollywood has demonstrated a commitment to human rights, and

WHEREAS, West Hollywood has been a destination for immigrant families seeking refuge, and

WHEREAS, With an official ban by the City of West Hollywood on travel to the State of Arizona, and a review of all current and likely future contracts with Arizona-based businesses to examine the feasibility of ascertaining such products and services elsewhere until the law is revoked, we endeavor to stand in solidarity with all those who seek rational and common sense immigration reform in Arizona and the United States.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of West Hollywood hereby denounces Arizona's anti-immigration law and calls upon the City Manager to immediately suspend official travel to the State of Arizona and develop additional financial sanctions until such time as the new law is revoked.

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Berkeley City Council

ATTACHMENT 8

CONSENT CALENDAR

May 18, 2010

To: Honorable Mayor and Members of the City Council

From: Councilmembers Jesse Arreguín, Kriss Worthington and Darryl Moore

Subject: Denouncing Arizona State Senate Bill 1070 and Calling for a Boycott of the State of Arizona and Arizona-based Businesses

RECOMMENDATION:

Adopt a Resolution denouncing Arizona State Senate Bill 1070, a law that seeks to implement Arizona's own scheme of immigration regulation that will inevitably lead to racial profiling of people of color and limited English proficient persons and if not repealed urging the City Manager to refrain from entering into new contracts and consider discontinuing existing contracts with businesses headquartered in Arizona and urging the restriction of all non-essential travel by city officials and employees to Arizona.

BACKGROUND:

On April 23, 2010, Arizona State Senate Bill 1070 was signed into law by Arizona Governor Jan Brewer. SB 1070 is one of the most regressive laws passed on immigration policy in the country. The bill requires police "when practicable" to detain people they "reasonably suspect" are in the country without authorization; allows the police to charge immigrants with a state crime for not carrying immigration documents; creates a private right of action to sue cities upon belief that the government has a policy or practice that restricts immigration law enforcement; and makes it a crime to stop on a public street to attempt to hire a temporary worker.

SB 1070 will inevitably lead to racial profiling, jeopardizes public safety and creates a wedge between law enforcement and ethnic communities. President Barack Obama has stated that SB 1070 threatens "to undermine basic notions of fairness that we cherish as Americans, as well as the trust between police and their communities that is so crucial to keeping us safe".

If SB 1070 is not repealed the resolution calls for a boycott of the State of Arizona and Arizona-based businesses and encourages the City Manager to refrain from entering into new or amended contracts to purchase goods or services from any company headquartered in Arizona. This boycott urges the City Manager to establish a restriction on all non-essential travel by city officials and employees to Arizona and further asks

the City Manager to review existing contracts for the purchase of goods and services with companies headquartered in Arizona and to explore opportunities to discontinue those contracts consistent with the terms of those contracts and principals of fiscal responsibility.

A number of cities are considering passing similar resolutions including the City and County of San Francisco and the City of Oakland. The resolution also encourages Berkeley citizens, businesses, churches, schools, organizations, associations, and others in the City, as well as other cities in the country to pass similar resolutions denouncing SB 1070 and calling for a boycott of the State of Arizona and Arizona-based businesses until SB 1070 is repealed.

FINANCIAL IMPLICATIONS:

Unknown.

CONTACT PERSON:

Jesse Arreguín, Councilmember, District 4	981-7140
Kriss Worthington, Councilmember, District 7	981-7170

Attachments:

1. Resolution
2. Copy of Arizona State Senate Bill 1070

RESOLUTION NO. ##,###-N.S.

DENOUNCING ARIZONA STATE SENATE BILL (SB) 1070 AND CALLING FOR A
BOYCOTT OF THE STATE OF ARIZONA AND ARIZONA BASED BUSINESSES

WHEREAS, the San Francisco Board of Supervisors and the Oakland City Council are considering resolutions denouncing SB 1070, calling for a boycott of the State of Arizona and Arizona based businesses and the City of Berkeley would like to pass a similar resolution; and

WHEREAS, Arizona's legislature passed SB 1070, which Arizona Governor Jan Brewer signed into law on April 23, 2010, and set the clock back on a generation of civil rights gains; and

WHEREAS, SB 1070 requires the police "when practicable" to detain people they "reasonably suspect" are in the country without authorization; allows the police to charge immigrants with a state crime for not carrying immigration documents; creates a private right of action to sue cities upon belief that the government has a policy or practice that restricts immigration law enforcement; and makes it a crime to stop on a street to attempt to hire a temporary worker; and

WHEREAS, SB 1070 will inevitably lead to racial profiling, jeopardize public safety, and create a wedge between law enforcement and ethnic communities; and

WHEREAS, SB 1070 has been strongly criticized by civil rights leaders and organizations, constitutional rights scholars, elected officials and police chiefs across the country; and

WHEREAS, President Barack Obama has stated that SB 1070 threatens to "undermine basic notions of fairness that we cherish as Americans, as well as the trust between police and their communities that is so crucial to keeping us safe;" and

WHEREAS, the people targeted by SB 1070 are not strangers – our American lives are inextricably bound to theirs. SB 1070 will not only intimidate our nannies and our gardeners, but also our nurses and our home care workers. And it will not stop there. It will intimidate our college students, teachers, doctors, lawyers, engineers. Everyone who looks Latino – citizens, legal permanent residents, temporary visa holders, and the undocumented – will be primary targets under this law.

NOW THEREFORE, BE IT RESOLVED that unless and until the State of Arizona rescinds SB 1070, the Berkeley City Council urges the City Manager (1) to the extent practicable, and in instances where there is no significant additional cost to the City nor conflict with law, to refrain from entering into any new or amended contracts to purchase goods and service from any company that is headquartered in Arizona, (2) restrict all non-essential travel by city officials and employees to the State of Arizona, and (3) to review existing contracts for the purchase of goods and services with companies

headquartered in Arizona and explore opportunities to discontinue those contracts consistent with the terms of those contracts and principles of fiscal responsibility; and,

BE IT FURTHER RESOLVED that that Council of the City of Berkeley encourages citizens, businesses, churches, schools, organizations, associations and others in the City, to boycott the State of Arizona and Arizona-based businesses until Arizona repeals SB 1070; and

BE IT FURTHER RESOLVED that the Council of the City of Berkeley calls on other cities throughout the country to pass a similar resolution denouncing SB 1070 and calling for a boycott of the State of Arizona and Arizona-based businesses until it repeals SB 1070; and

BE IT FURTHER RESOLVED that the Council of the City of Berkeley hereby directs the City Clerk to send copies of this resolution to Arizona Governor Jan Brewer.

Resolution No.

Submitted by:

The Honorable Phil Gordon
Mayor of Phoenix

OPPOSING ARIZONA LAW SB 1070

1. **WHEREAS**, on April 24 the Governor of Arizona signed into law SB 1070, legislation which would:
 - Make it a state crime to be in the country illegally;
 - Require immigrants to have proof of their immigration status;
 - Require police officers to "make a reasonable attempt" to determine the immigration status of a person if there is a "reasonable suspicion" that he or she is an illegal immigrant, unless it would hinder or obstruct an investigation, and race, color and national origin are not to be only factors police officers consider;
 - Allow lawsuits against local or state government agencies that have policies that hinder enforcement of immigration laws; and
 - Target the hiring of illegal immigrants as day laborers by prohibiting people from stopping a vehicle on a road to offer employment and by prohibiting a person from getting into a stopped vehicle on a street to be hired for work if it impedes traffic; and
2. **WHEREAS**, SB 1070 is not scheduled to take effect until August; and
3. **WHEREAS**, SB 1070 was opposed by many mayors, police chiefs, and other local officials in Arizona before it became law and is still opposed by these officials; and
4. **WHEREAS**, many mayors from cities across the nation, officials at state and federal levels, leaders of national organizations, and individual citizens have expressed outrage at the Arizona law and concern for the civil rights violations to which it will lead; and
5. **WHEREAS**, several lawsuits, including those by some Arizona cities, have been filed which challenge the constitutionality of SB 1070 and would enjoin it from taking effect, and those suits are currently pending in court; and

6. **WHEREAS**, officials in several cities across the country and of national organizations have proposed immediate economic sanctions against Arizona because of SB 1070; and
7. **WHEREAS**, measures similar to Arizona Law SB 1070 are now being proposed for consideration in several other states; and
8. **WHEREAS**, many acknowledge that it was a lack of Congressional action on immigration reform which lead to passage of SB 1070 in Arizona and may lead to similar actions in other states; and
9. **WHEREAS**, in 2009 The U.S. Conference of Mayors adopted immigration reform policy which calls for quick passage of comprehensive immigration reform legislation based on five key principles, all of which were embodied in policy previously adopted by the organization:
 - Increased border security and enforcement;
 - The protection of human and civil rights of both citizens and non-citizens being detained;
 - More support for city and state governments which are disproportionately shouldering the costs of the current broken immigration system;
 - The use of new technologies to match up foreign workers with jobs in this country that are going unfilled (guest worker program);
 - The elimination of current obstacles to citizenship that have resulted in 10-12 million undocumented residents living in the shadows; and
10. **NOW, THEREFORE, BE IT RESOLVED** that The United States Conference of Mayors registers its strong opposition to Arizona Law SB 1070; and
11. **BE IT FURTHER RESOLVED** that the Conference of Mayors supports the court challenges to Arizona Law SB 1070 brought by Arizona mayors and/or their cities; and

12. **BE IT FURTHER RESOLVED** that given the law would not go into effect until July 29, 2010, the Conference of Mayors encourages officials and organizations considering sanctions delay their implementation until court decisions are rendered and, in the event that SB 1070 prevails, it is clear that it will take effect in Arizona; and
13. **BE IT FURTHER RESOLVED** that the Conference of Mayors opposes the enactment of laws similar to Arizona Law SB 1070 in other states; and
14. **BE IT FURTHER RESOLVED** that the Conference of Mayors calls on the Congress to quickly enact bipartisan comprehensive immigration reform legislation which incorporates the Conference's five principles for reform so that our nation will have a sensible, effective federal immigration policy and state officials will not feel compelled to enact their own immigration laws.

Projected Cost: None