

RESOLUTION NO. 75401

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE 1) DENOUNCING ARIZONA SB 1070 AND HB 2162 IMMIGRATION ENFORCEMENT LAWS; 2) PROHIBITING THE USE OF CITY FUNDS TO TRAVEL TO ARIZONA 3) RELEASING A STATEMENT THAT CITY WILL NOT REPORT LAW ABIDING PERSONS TO FEDERAL IMMIGRATION AGENCIES; AND 4) AUTHORIZING THE CITY ATTORNEY TO FILE OR JOIN AN AMICUS CURIA TO ANY COURT CHALLENGE OF THE ARIZONA IMMIGRATON LAW

WHEREAS, on April 23, 2010, Arizona Governor Jan Brewer signed Senate Bill 1070, known as the *"Support Our Law Enforcement and Safe Neighborhoods Act."* On April 29, Governor Brewer signed House Bill 2162, which amended House Bill 1070. These laws (collectively referred to as "Arizona Immigration Enforcement Law"), will, among other things, require all local law enforcement officials to investigate the immigration status of a person when there is a reasonable suspicion that the person is in the country unlawfully, if that person was involved in a lawful stop in the enforcement of another law, and to not release that person until his or her immigration status is determined; and

WHEREAS, the City of San José ("City") has been, and remains committed to the protection of civil rights for all people as expressed in the U.S. and the California Constitutions and to the opposition to any acts of racism, bigotry, harassment and discrimination; and

WHEREAS, the City should not expend funds to travel to the State of Arizona for conventions, meetings or other events until the Arizona Immigration Enforcement Law is repealed or no longer in force; and

WHEREAS, the City is committed to unbiased policing and that the City police shall not initiate action solely on the basis of whether a person is lawfully in the United States

and will not take action to report any law-abiding person to federal immigration officials unless otherwise required by federal law, court decision or other legal requirement; and

WHEREAS, the passage of the Arizona Immigration Enforcement Law is indicative of the need for comprehensive immigration reform, which can only be achieved by a partnership between the states and the federal government; and

WHEREAS, the Arizona Immigration Enforcement Law appears to be in violation of the U.S. Constitution and federal immigration laws, so it is important that the federal courts review the Arizona Immigration Law and that the City provide assistance in the legal challenges to the Arizona Immigration Law;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The City of San José denounces the Arizona Immigration Enforcement Law which is likely to result in racial profiling, place immigrants at risk, and hinder law enforcement officials from obtaining necessary cooperation.
2. The City shall not expend funds to travel to the State of Arizona for conventions, meetings or other events in that state until Arizona Immigration Enforcement Law is repealed or no longer in force.
3. The City administration shall send a media statement, in multiple languages, emphasizing that persons in the City will not be detained by the City police solely for suspicion of having unlawful resident status in the United States, and the City will serve all residents without reporting any otherwise law-abiding persons to the federal immigration officials unless otherwise required by federal law, court decision or other legal requirement.

4. The City Attorney is authorized to file or join an amicus curia to any court challenge of the Arizona Immigration Law.

ADOPTED this 8th day of June, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, HERRERA, KALRA,
LICCARDO, NGUYEN, PYLE; REED.

NOES: CONSTANT, OLIVERIO.

ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk