

RESOLUTION NO. 3098

**RESOLUTION OF THE EAST PALO ALTO CITY COUNCIL ENCOURAGING
THE SAN MATEO BOARD OF SUPERVISORS TO UPHOLD PUBLIC SAFETY
AND AFFIRM THE SEPARATION BETWEEN COUNTY SERVICES AND THE
ENFORCEMENT OF FEDERAL CIVIL IMMIGRATION LAW BY OPTING
OUT OF THE SECURE COMMUNITIES PROGRAM**

WHEREAS, the City of East Palo Alto strongly encourages the San Mateo County Board of Supervisors to honor and support the City of East Palo Alto's commitment to the public safety of its citizenry; and

WHEREAS, City of East Palo Alto in the County of San Mateo, is home to a diverse and vibrant community of people who represent many races, ethnicities, and nationalities, including immigrants from all over the world; and

WHEREAS, over half of all City of East Palo Alto residents are foreign born; and

WHEREAS, Whereas, on February 6, 2007, the East Palo Alto City Council adopted a resolution affirming its support for comprehensive immigration reform that is fair, just, and humane, and ordering all City employees and officers to not cooperate with Immigration and Customs Enforcement ((ICE) for the purpose of enforcing immigration laws without specific authorization of the City Manager or Police; and

WHEREAS, the East Palo Alto City Council recognizes that fostering a relationship of trust, respect, and open communication between County employees and *all* County residents is essential to County departments' core mission of ensuring public safety and serving the needs of the entire community; and

WHEREAS, the East Palo Alto City Council has consistently sought to protect the rights of all City and County residents to be free from discrimination, abuse, violence, and exploitation, as reflected by its enduring commitment to protecting victims of hate crimes, domestic violence, elder abuse, and racial profiling; and

WHEREAS, the East Palo Alto City Council wishes to encourage all residents of the City of East Palo Alto and San Mateo County to report crimes to City and County law enforcement officials and to use County services without fear of being arrested by or reported to U.S. Immigration and Customs Enforcement ("ICE"); and

WHEREAS, the enforcement of federal civil immigration law is the responsibility of the federal government and not of the City or County; and

WHEREAS, the "Secure Communities" Program specifically mandates the collaboration between local police and immigration that would require the automatic investigation of the immigration status of anyone, citizen or non-citizen, who is arrested and fingerprinted

for any crime, no matter the severity, by electronically crosschecking their fingerprints against an ICE data base, and

WHEREAS, the City Council for Washington D.C. unanimously passed the "Secure Communities Act of 2010", a resolution to prohibit the District of Columbia from transmitting arrest data of any individual with ICE, and

WHEREAS, consistent with the U.S. Constitution's prohibition on the federal commandeering of local resources, the East Palo Alto City Council has long opposed measures that would deputize local officials and divert County resources to fulfill the federal government's role of enforcing civil immigration law; and

WHEREAS, in this time of economic difficulties, the East Palo Alto City Council remains committed to maximizing public safety, public health, and vital services on which the entire community depends, and recognizes that the best way to achieve these priorities is to foster an environment of inclusiveness and trust between the government and all City and County residents;

THEREFORE, BE IT RESOLVED that The East Palo Alto City Council strongly encourages the San Mateo County Board of Supervisors to opt out of the *voluntary* Secure Communities Program, and to create policy that ensures no County funds or resources shall be used to assist in the enforcement of federal civil immigration law, and

BE IT FURTHER RESOLVED that, the East Palo Alto City Council encourages the San Mateo County Board of Supervisors to create policy that ensures that, as to all County departments and agencies subject to the Board of Supervisors' jurisdiction:

1. No County department, agency, officer, or employee who collects information for the purpose of determining eligibility for services or benefits from federal, state, or third party payors, or for seeking reimbursement from federal, state, or third-party payors, shall use any County funds or resources to provide that information to ICE for purposes of assisting in the enforcement of federal civil immigration law.
2. No County department, agency, officer, or employee shall initiate any inquiry or enforcement action based solely on a person's actual or suspected immigration status, national origin, race, ethnicity, and/or inability to speak English.
3. No County department, agency, officer, or employee shall use any County funds, resources, or personnel to investigate, question, apprehend, or arrest an individual for an actual or suspected civil violation of federal immigration law.
4. No County department, agency, officer, or employee shall use any County funds or resources to gather or disseminate information concerning an individual's immigration status for purposes of assisting ICE in enforcing federal civil immigration law unless such assistance is required by federal or state law.

5. No County department, agency, officer, or employee shall condition the provision of County services or benefits on the citizenship or immigration status of the individual except where such conditions are lawfully imposed by federal, state, or local law.

6. No County department, agency, officer, or employee who collects information for the purpose of determining eligibility for services or benefits from federal, state, or third party payors, or for seeking reimbursement from federal, state, or third-party payors, shall use any County funds or resources to provide that information to ICE for purposes of assisting in the enforcement of federal civil immigration law.

7. The County calls on ICE agents performing official business in the County to identify themselves as federal immigration officers, to make clear that they are not officers, agents, or employees of the County, and to comply with legal mandates to refrain from racial profiling and to respect the due process rights of County residents, including but not limited to providing all required warnings concerning an individual's right to remain silent, the right not to sign documents he or she does not understand, and the right to speak with a lawyer.

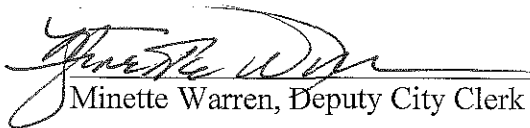
BE IT FURTHER RESOLVED that, The East Palo Alto City Council direct the City Manager to send a copy of this resolution to all of the members of the County Board of Supervisors, and to Congresswoman Anna Eshoo and Senators Boxer and Feinstein.

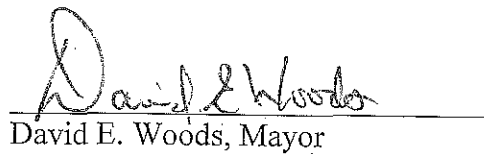
I certify the foregoing resolution was passed and adopted by the Council of the City of East Palo Alto at a regular meeting thereof held on July 6, 2010, by the following vote:

AYES:	EVANS, ABRICA, ROMERO, WOODS
NOES:	0
ABSTENTIONS:	0
ABSENT:	0

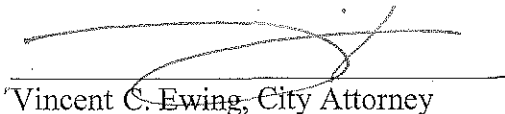
ATTEST:

APPROVED


Minette Warren, Deputy City Clerk


David E. Woods, Mayor

APPROVED AS TO FORM:


Vincent C. Ewing, City Attorney