



CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL

Short Name/Subject Consideration of "Sanctuary" Jurisdiction Proclamation	Board Meeting Date May 22, 2018	Agenda Number 26
Dept: Administrative Office Contact: Tim Lutz Phone: 209/754-6025	Supervisory District Number Countywide	Regular Agenda
Published Notice Required? No Public Hearing Required? No		Estimated Time: 2 Hours
Type of Document? Proclamation PowerPoint Presentation Included? No Budget Transfer Included (Must be signed by Auditor)? No Complete Agreement Required? No Position Allocation Change? No		

RECOMMENDATION:

Adopt a proclamation recognizing that Calaveras County's policies comply with Federal Immigration Laws within the limits of its legal obligations imposed by state law and judicial authority and proclaiming Calaveras County's non-support of the California Values Act and that Calaveras County does not constitute a "sanctuary" jurisdiction.

Background

On October 5, 2017, the Governor signed Senate Bill 54 ("SB 54") into law, which includes what's known as the "California Values Act," (or "Act") it went into effect January 1, 2018. The Act makes California the first "sanctuary state" for undocumented immigrants which grants protections to people who are in the United States without permission. Long before the Act became law, it has proven to be controversial and divisive. It has placed local government officials in a position of wanting to following arguably conflicting federal and state laws in the conduct of their duties without being penalized by either the federal or state government.

This tension has been escalated. On March 6, 2018, the United States Justice Department filed a complaint in the federal court in Sacramento alleging that the California Values Act runs afoul of the federal supremacy clause in the United States Constitution. The United States Constitution declares that federal law is the supreme law of the land for certain areas of law that are of national importance; immigration is one such area of law. The federal government alleges that its immigration laws "pre-empt" the state laws, and that the state laws obstruct the federal laws. The United States seeks to restrain the State of California from enforcing and implementing provisions of the Act.

Currently, the Department of Justice has a preliminary injunction motion scheduled for hearing on **June 20, 2018 to enjoin state implementation of the Act.** The County of Orange has a motion to intervene scheduled for hearing on June 5, 2018, which is co-set with an individual and resident of Los Angeles named Dana T. Blackmore who opposes the Act. Each of the foregoing motions are pending in the federal court in Sacramento before federal district court judge, Hon. John A. Mendez.

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This study session and proclamation is designed to allow the Board of Supervisors to consider the California Values Act, allow staff from impacted departments to discuss their concerns and allow the public to provide input to the Board. Following the study session, the Board of Supervisors may elect to adopt the proclamation.

Alternative

The Board may elect to direct staff to draft a press release setting forth the Board's non-support of the Act and/or direct staff to monitor the federal court case and report back to the Board after the federal court rules on the hearings in June.

APPROVED BY:

 Bonnie L. Rich, Administrative Analyst	5/14/2018	 Tim Lutz, County Administrative Officer	5/14/2018
 Diane Beverud, Deputy Clerk of the Board of Supervisors	5/14/2018	 Megan Stedfeld, County Counsel	5/15/2018