



City of Carson Report to Mayor and City Council

June 15, 2011
New Business Consent

**SUBJECT: CONSIDER RESOLUTION NO. 11-081 OPPOSING THE STATE OF ALABAMA'S
"TAXPAYER AND CITIZEN PROTECTION ACT"**

Submitted by William W. Wynder
Authority Attorney

Approved by Clifford W. Graves
Interim City Manager

I. SUMMARY

This item is on the agenda at the request of Mayor *Pro Tem* Julie Ruiz-Raber and with the concurrence of Mayor Dear. The Mayor *Pro Tem* asks the City Council to go "on record" as opposing the Alabama's "Taxpayer and Citizen Protection Act."

II. RECOMMENDATION

1. WAIVE further reading and ADOPT Resolution No. 11-081, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, OPPOSING THE STATE OF ALABAMA'S "TAXPAYER AND CITIZEN PROTECTION ACT".
2. INSTRUCT staff to transmit a copy of the executed resolution to the Presidents of the California Legislative Black Caucus, California Legislative Hispanic Caucus, California Congressional Hispanic Congress, the National League of Cities Hispanic Elected Local Officials, League of California Cities, California Contract Cities, National Association of Latino Elected and Appointed Officials, Governor Jerry Brown, California Senate President *pro tem* Darrell Steinberg, California State Senator Ted Lieu, Speaker of the Assembly John Perez, Assemblyman Warren Furutani, Los Angeles County Supervisor Mark Ridley-Thomas and Alabama Governor Robert Bentley.

III. ALTERNATIVES

Take any action the Council deems appropriate.

IV. BACKGROUND

The State of Alabama has enacted a tough illegal immigration legislation, known as SB 256, "Taxpayer and Citizen Protection Act," requiring state police to check the status of anyone they suspect may be in the country illegally when stopped for another reason. The bill becomes effective on September 1, 2011.

Its enactment makes Alabama the latest in a series of states, including Georgia and Arizona, to enact new laws aimed at tackling illegal immigration. Civil rights groups and the Mexican government have been quick to condemn the move.

According to a fact sheet issued by Alabama House Republicans, the bill will require law enforcement officers “to attempt to determine the immigration status of a person who they suspect is an unauthorized alien of this country.”

The legislation also makes it a criminal offense to provide transport or housing to an illegal immigrant. The state will have to check the citizenship of students, and any business that knowingly employs an illegal immigrant will be penalized.

The Southern Poverty Law Center, a civil rights group, condemned SB 256 as a very radical law, “mean-spirited, racist, unconstitutional, and it is going to be costly.”

According to critics of this new bill, illegal immigrants and many American citizens could be impacted by the new statues. “It makes it a crime for U.S. citizens to give people a ride if they turn out to be undocumented. It doesn't even have an exception for churches that are providing shelter or food or rides,” according to a position paper issued by The Southern Poverty Law Center.

V. FISCAL IMPACT

Unknown

VI. EXHIBITS

Resolution No. 11-081. (pgs. 4-5)

Prepared by: William W. Wynder, City Attorney

TO:Rev032811

Reviewed by:

<u>City Clerk</u>	<u>City Treasurer</u>
<u>Administrative Services</u>	<u>Development Services</u>
<u>Economic Development Services</u>	<u>Public Services</u>

Action taken by City Council	
Date _____	Action _____

RESOLUTION NO. 11-081

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CARSON, CALIFORNIA, OPPOSING THE STATE OF
ALABAMA'S TAXPAYER AND CITIZEN PROTECTION
ACT

WHEREAS, on or about June 9, 2011, Alabama Governor Robert Bentley signed Senate Bill 256 (Taxpayer and Citizen Protection Act), requiring all local law enforcement to investigate a person's immigration status when there is reasonable suspicion that the person is in the country unlawfully, regardless of whether that person is suspected of a crime; and

WHEREAS, SB 256 permits the arrest of a person, without a warrant, if there is suspicion that the person has committed a public offense; and

WHEREAS, SB 256 encourages racial profiling and violates the Fourteenth Amendment guarantees of due process and equal protection for U.S. citizens, legal residents and visitors who are detained for suspicion of being in the country unlawfully; and

WHEREAS, federal funds should not be used to support immigration programs that promote racial profiling and discrimination based on race, ethnicity or national origin or any other form of discrimination; and

WHEREAS, SB 256 seriously undermines the U.S. Constitution which grants Congress the exclusive power over immigration matters; and

WHEREAS, local resources should not be used to support immigration programs that are under the exclusive power of the federal government.

NOW, THEREFORE, BE IT RESOLVED, that by adoption of this resolution, the city of Carson expresses its opposition to SB 256 and shall refrain from conducting business with the state of Arizona including participating in any conventions or other business that requires city resources, unless SB 256 (Taxpayer and Citizen Protection Act) is repealed.

BE IT FURTHER RESOLVED, that the city of Carson encourages all of its member organizations, the county of Los Angeles and the state of California to refrain from conducting business with the state of Alabama including participating in any conventions or other business that requires city resources, unless SB 256 (Taxpayer and Citizen Protection Act) is repealed.

[MORE]

EXHIBIT NO. 1



BE IT FURTHER RESOLVED, that upon adoption of this resolution the City Manager will immediately suspend official travel to the state of Alabama and review all current and likely future contracts with Arizona based businesses in order to examine the feasibility of ascertaining such products and services elsewhere;

BE IT FURTHER RESOLVED that the city of Carson will continue to monitor anti-immigration efforts in Arizona with updates on status and impact of city efforts.

PASSED, APPROVED and ADOPTED this ____ day of June, 2011.

Mayor Jim Dear

ATTEST:

City Clerk Helen S. Kawagoe

APPROVED AS TO FORM:

City Attorney

