



# REPORT TO COUNCIL

## City of Sacramento

915 I Street, Sacramento, CA 95814-2604  
[www.CityofSacramento.org](http://www.CityofSacramento.org)

**Staff Report**  
**June 15, 2010**

**Honorable Mayor and  
Members of the City Council**

**Title: Proposed Resolution Opposing Arizona SB 1070 and HB 2162**

**Location/Council District:** Citywide

**Recommendation:** Approve a resolution to oppose Arizona Illegal Immigration Legislation SB 1070 and HB 2162.

**Contact:** Patti Bisharat, Interim Assistant City Manager, (916) 808-8197  
Eileen Teichert, City Attorney, (916) 808-5346

**Presenters:** Patti Bisharat, Interim Assistant City Manager, (916) 808-8197

**Department:** Office of the City Manager

**Division:** n/a

**Organization No:** 09200

### **Description/Analysis**

**Issue:** At the May 25, 2010 Council meeting, the City Council directed staff to return to that body with a draft resolution for their review and possible approval opposing Arizona SB 1070 and HB 2162 and proposing potential measures that would institute financial sanctions, until such time as the disputed laws are repealed. Council directed that the resolution include provisions to: prohibit employee travel to Arizona, boycott future contracts and the purchase of goods and services with Arizona-based vendors, review and cancel current contracts with businesses headquartered in Arizona where fiscally responsible, continue to monitor Arizona legislation, forward the signed resolution to key officials.

**Policy Considerations:** The proposed resolution includes economic sanctions on Arizona based businesses as directed by the City Council.

**Environmental Considerations:** California Environmental Quality Act (CEQA): Under the California Environmental Quality Act (CEQA) guidelines, continuing administrative activities do not constitute a project and are therefore exempt from review.

**Sustainability Considerations:** n/a

**Other:** n/a

**Commission/Committee Action:** None.

**Rationale for Recommendation:** Council members and cities across California have expressed their concern that Arizona SB 1070 and HB 2162 promote racial profiling, which is unconstitutional. The City Council can choose to oppose this legislation via the provisions of the attached resolution.

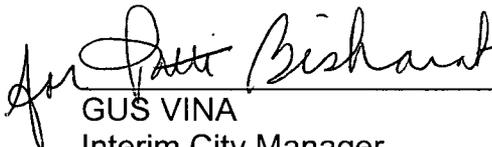
**Financial Considerations:** n/a

**Emerging Small Business Development (ESBD):** n/a

Respectfully Submitted by:   
Patti Bisharat, Interim Assistant City Manager

Respectfully Submitted by:   
for Eileen Teichert, City Attorney

Recommendation Approved:

  
GUS VINA  
Interim City Manager

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**RESOLUTION NO. 2010-**

Adopted by the Sacramento City Council

**OPPOSING ARIZONA SB 1070 AND HB 2162  
AND CALLING FOR A BOYCOTT OF THE STATE OF ARIZONA  
AND ARIZONA-HEADQUARTERED BUSINESSES.**

**Background**

- A. The City of Sacramento has historically supported policies that prohibit discrimination based on race, national origin, religion, gender, sexual orientation and disability and has been proclaimed the most "diverse and integrated" city in the United States.
- B. The City of Sacramento, as the State Capitol of California, has been a leader in promoting racial and ethnic equality and the elimination of bias consistent with federal and state law, including the U.S. and California Constitutions.
- C. On April 23 and April 30, 2010, the Legislature of Arizona passed and Governor Jan Brewer signed into law Arizona SB 1070 and HB 2162, which will require local and state police officers to detain and arrest anyone who is suspected of being unlawfully present in the United States.
- D. These laws will allow the police to charge immigrants with a state crime for not carrying immigration documents and will create a private right of action to sue cities and counties upon the belief that the local government has a policy that restricts immigration law enforcement.
- E. SB 1070 and HB 1262 will lead to racial profiling, jeopardize public safety, and create distrust between law enforcement and ethnic communities.
- F. These laws have been denounced by civic and political leaders, law enforcement, hundreds of community organizations and Mayors and City Councils throughout California, including former Sacramento City Council Member and current President Pro Tem of the California State Senate, Darrell Steinberg, who has poignantly written: *"The Arizona law is as unconscionable as it is unconstitutional, and the state of California should not be using taxpayer dollars to support such a policy. The regulation of immigration is exclusively the province of the federal government, and the Arizona law threatens to undermine basic civil liberties guaranteed to all Americans - regardless of immigration status. By effectively authorizing law enforcement to arrest and interrogate anybody they believe looks 'different', no person in Arizona can feel assured that they will be able to live their lives freely. "*

G. The people targeted by these laws are not strangers. These laws are expected to intimidate local gardeners, nannies, nurses, home care workers, and numerous people in various trades and occupations. And it will not stop there. It will intimidate college students, teachers, doctors, lawyers, and engineers. Everyone who looks Latino, whether citizens, permanent residents, temporary visa holders, or undocumented, will become primary targets under these unjust laws.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND THE CITY COUNCIL RESOLVES AS FOLLOWS:**

Section 1. That the City of Sacramento strongly opposes the Arizona laws known as SB 1070 and HB 1262 for the reasons stated above.

Section 2. Until Arizona repeals or a court nullifies SB 1070 and HB 1262, the City of Sacramento expresses its opposition to these laws through the following economic measures to the extent permitted by law: (1) no City official or employee shall attend a conference in or travel to an Arizona destination at City expense or with City resources; (2) where practicable and where there is no significant additional cost to the City, the City of Sacramento shall not enter into any new, amended, extended or supplemental contracts to purchase or procure goods or services from any business or entity that is headquartered in Arizona; (3) the City Manager is directed to establish internal procurement and purchasing rules and instructions consistent with this policy; and (4) the City Manager shall direct staff to review existing contracts for the purchase of goods and services with businesses or entities headquartered in Arizona and to explore opportunities to lawfully terminate those contracts consistent with their terms, if practicable and if there are no significant additional costs to the City.

Section 3. The President and Congress of the United States are urged to work on comprehensive immigration reform to fix our nation's immigration system.

Section 4. The City Manager is directed to continue monitoring Arizona immigration legislation and report back to the City Council on any significant changes in Arizona law that may cause the City Council to repeal or amend this resolution.

Section 5. The City Clerk is directed to send this resolution to Arizona Governor Jan Brewer and a copy of the same to the Senate President and House Speaker of the Arizona Legislature.

Section 6. The City Attorney is directed to advise the City Council of appropriate opportunities to provide amicus curiae support to litigation opposing or challenging the lawfulness of SB 1070 and HB 1262.