



Meeting Date: May 25, 2010
Agenda Item: 07
Unclassified Manager: Rick Callender
Extension: 2017
Director(s):

**CONFORMED COPY
BOARD AGENDA MEMO**

SUBJECT: Resolution to Urge Repeal of Arizona Law SB 1070, the “Support our Law Enforcement and Safe Neighborhoods Act” and Arizona Law HB 2162 and Take Other Actions in Support of the Repeal.

RECOMMENDATION:

That the Board consider one or more of the following actions:

- A. Adopt the resolution specifying the Board of Directors’ desire to have the State of Arizona repeal SB 1070 and HB 2162; and send a copy of the resolution to Arizona Governor Jan Brewer.
- B. Authorize the Chief Executive Officer to order all District departments to prohibit the use of district funds for official business, attendance at conventions, meetings, or other events in the State of Arizona, unless critical to the mission of the District.
- C. Authorize District Counsel to explore opportunities to file *amicus curia* in support of appropriate litigation challenging the Arizona laws or to join in efforts by other organizations to do the same.

SUMMARY:

On April 23, 2010, and April 30, 2010, Arizona Governor Jan Brewer signed into law SB 1070 and HB 2162 respectively, ushering into state law sweeping changes in the ability of state and local law enforcement to enforce federal immigration law. Provisions of the Arizona legislation include the ability for local and state law enforcement to demand that a person present proof of lawful presence in the United States during a stop, detention, or arrest police action; makes failure to provide documentation of lawful presence in the United States on demand a misdemeanor offense; and allows for a local or state law enforcement official to be subjected to civil action by any person if the officer is found to not have acted in good faith to determine the immigration status of persons stopped for police action.

Since the passage of this legislation in Arizona, the City of San Diego, the City of Los Angeles and the City and County of San Francisco have each passed resolutions urging the repeal of the legislation and have each taken some level of action to limit their fiscal relationship with the State of Arizona. These measures have included an urging of residents to avoid travel to the

The Board approved amending the resolution instructing and authorizing the CEO to take action stated in Recommendation B only; and send a letter to Congress and the President requesting that work begin immediately on immigration issues and reforming Federal immigration laws.

SUBJECT: Resolution to urge repeal of Arizona Law SB 1070, the “Support our Law Enforcement and Safe Neighborhoods Act” and Arizona Law HB 2162 and take other actions in support of the repeal.

state, a call to boycott the 2010 Major League Baseball All-Star Game, and a call for a boycott of all travel and business with the State of Arizona.

The attached resolution presents a broad spectrum of actions available to the Board of Directors in communicating the District’s desire to have Arizona’s recent legislation repealed, and details a variety of financial impacts to Arizona in support of its position. It can be noted that economic boycotts have been successful in affecting public policy issues in the past, including the numerous boycotts of Arizona in the 1990’s for its failure to adopt a state holiday recognizing Martin Luther King, Jr. and on a more global scale, the calls for divestiture and boycott of the Country of South Africa in the 1970’s and 1980’s for its policy of apartheid.

FINANCIAL IMPACT:

Degree unknown, but it should be noted the District does carry some contractual fiscal obligations with Arizona companies, in the form of consulting services as well as procurement of materials and supplies.

ATTACHMENTS:

Attachment 1: Resolution

REVISED

RESOLUTION NO. 10-

URGING REPEAL OF ARIZONA LAW SB 1070, THE "SUPPORT OUR LAW ENFORCEMENT AND SAFE NEIGHBORHOODS ACT" AND ARIZONA LAW HB 2162 AND TAKING OTHER ACTIONS IN SUPPORT OF THE REPEAL

WHEREAS, on April 23, 2010, the Governor of Arizona signed into law SB 1070, the "Support Our Law Enforcement and Safe Neighborhoods Act," permitting state and local law enforcement officials to engage in racial profiling, thereby turning the clock back on a generation of civil rights gains;

WHEREAS, on April 30, 2010, the Governor of Arizona signed into law HB 2162 which modifies SB 1070 to prohibit racial profiling but still criminalizes unlawful presence; requires state and local law enforcement to engage in immigration enforcement; requires police to question people they "reasonably suspect" of being in the country unlawfully in the course of any "lawful stop, detention or arrest"; and grants police the authority to arrest individuals without a warrant for federal civil immigration violation;

WHEREAS, the law undermines fundamental civil rights and civil liberties, and poses a special threat to people of color who travel through Arizona;

WHEREAS, the State of California, County of Santa Clara and the Santa Clara Valley Water District prohibit the unequal treatment of its employees, contractors, and customers and, furthermore, prohibit racial profiling of any kind;

WHEREAS, the Santa Clara Valley Water District employs persons of various nationalities, and particularly persons of Hispanic or Latino origin, who potentially could be targeted and harassed by law enforcement officials in Arizona as "reasonably suspect" if they fall into a stereotype held by law enforcement officers;

WHEREAS, civil rights leaders, constitutional rights scholars, elected officials, and police chiefs across the country are repudiating the new law;

WHEREAS, throughout the month of May the County of Santa Clara and California cities including San Jose, San Francisco, Los Angeles, San Diego, are considering or have passed resolutions condemning the Arizona laws;

BE IT RESOLVED, by the Santa Clara Valley Water District, for and on behalf of the employees of the District, that the District Board urges the repeal of Arizona State Laws SB 1070 and HB 2162;

BE IT FURTHER RESOLVED, that the Santa Clara Valley Water District Board of Directors instructs its Chief Executive Officer to order all departments to prohibit the use of District funds for travel for official business, attendance of conventions, meetings, or other events in the State of Arizona, unless critical to the mission of the District, to ensure that District employees are not subjected to increased risk of their being subjected to inappropriate and unlawful scrutiny;

BE IT FURTHER RESOLVED, that the Santa Clara Valley Water District Board of Directors instructs its legal counsel to explore opportunities to file *amicus curia* to accompany any court challenges of the Arizona measure, or to join an *amicus* filed by another organization such as the Association of California Water Agencies, League of California Cities, California State

REVISED

Insert Title Here (Initial Caps)

Association of Counties, or California Special Districts Association; and directs the Clerk of the Board to provide a copy of this resolution to Arizona Governor Jan Brewer.

PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District by the following vote on May 25, 2010.

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

By: _____
RICHARD P. SANTOS
Chair/Board of Directors

ATTEST: MICHELE L. KING

Clerk/Board of Directors

RESOLUTION NO. 10-42

TAKING ACTIONS TO PROTECT EMPLOYEES RIGHTS FROM ARIZONA LAW SB1070, THE "SUPPORT OUR LAW ENFORCEMENT AND SAFE NEIGHBORHOODS ACT" AND ARIZONA LAW HB 2162

WHEREAS, on April 23, 2010, the Governor of Arizona signed into law SB 1070, the "Support Our Law Enforcement and Safe Neighborhoods Act," permitting state and local law enforcement officials to engage in racial profiling, thereby turning the clock back on a generation of civil rights gains;

WHEREAS, on April 30, 2010, the Governor of Arizona signed into law HB 2162 which modifies SB 1070 to prohibit racial profiling but still criminalizes unlawful presence; requires state and local law enforcement to engage in immigration enforcement; requires police to question people they "reasonably suspect" of being in the country unlawfully in the course of any "lawful stop, detention or arrest"; and grants police the authority to arrest individuals without a warrant for federal civil immigration violation;

WHEREAS, the law undermines fundamental civil rights and civil liberties, and poses a special threat to people of color who travel through Arizona;

WHEREAS, the State of California, County of Santa Clara and the Santa Clara Valley Water District prohibit the unequal treatment of its employees, contractors, and customers and, furthermore, prohibit racial profiling of any kind;

WHEREAS, the Santa Clara Valley Water District employs persons of various nationalities, and particularly persons of Hispanic or Latino origin, who potentially could be targeted and harassed by law enforcement officials in Arizona as "reasonably suspect" if they fall into a stereotype held by law enforcement officers;

WHEREAS, civil rights leaders, constitutional rights scholars, elected officials, and police chiefs across the country are repudiating the new law;

WHEREAS, throughout the month of May the County of Santa Clara and California cities including San Jose, San Francisco, Los Angeles, San Diego, are considering or have passed resolutions condemning the Arizona laws;

BE IT RESOLVED, that the Santa Clara Valley Water District Board of Directors will send a letter to Congress and the President of the United States requesting that work begin immediately on immigration issues and the reformation of Federal Immigration Laws;

BE IT FURTHER RESOLVED, that the Santa Clara Valley Water District Board of Directors instructs its Chief Executive Officer to order all departments to prohibit the use of District funds for travel for official business, attendance of conventions, meetings, or other events in the State of Arizona, unless critical to the mission of the District, to ensure that District employees are not subjected to increased risk of their being subjected to inappropriate and unlawful scrutiny;

PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District by the following vote on May 25, 2010.

TAKING ACTIONS TO PROTECT EMPLOYEES RIGHTS FROM ARIZONA LAW SB1070,
THE "SUPPORT OUR LAW ENFORCEMENT AND SAFE NEIGHBORHOODS ACT" AND
ARIZONA LAW HB 2162

AYES: Directors T. Estremera, R. Kamei, J. Judge, P. Kwok, S. Mann, R. Santos

NOES: Directors L. Wilson

ABSENT: Directors None

ABSTAIN: Directors None

SANTA CLARA VALLEY WATER DISTRICT

By:



RICHARD P. SANTOS
Chair/Board of Directors

ATTEST: MICHELE L. KING



Clerk/Board of Directors