



Board of Supervisors COUNTY OF TULARE AGENDA ITEM

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: May 22, 2018 – REVISED

Public Hearing Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

CONTACT PERSON: Julieta Martinez PHONE: 559-636-5000

SUBJECT: Resolution declaring opposition to SB 54

REQUEST(S):

That the Board of Supervisors:

Receive a presentation from Board of Supervisors' staff regarding SB 54. Adopt a resolution declaring opposition to SB 54 also known as the California Values Act.

SUMMARY:

Provisions of SB 54

Senate Bill 54 was introduced to the California State Legislature in 2017 and approved by Governor Jerry Brown in October of that same year. Also known as the California Values Act, the bill's stated intent is to prevent state and local law enforcement agencies from acting as agents of Immigration and Customs Enforcement (ICE).

SB 54 prohibits state and local law enforcement agencies, including school police and security departments, from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement. It further states that SB 54 seeks to direct the state's limited resources to matters of greatest concern to state and local governments. With that, this law limits the information and communication that can be shared between local law enforcement and federal government agencies such as ICE.

Under SB 54, local agencies are prohibited from holding potentially deportable immigrants for ICE unless they have been convicted of serious or violent crimes, or misdemeanors that could be classified as felonies, or a judicial warrant has been issued. Local agencies are also prohibited from some of the following actions:

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- Ask someone their immigration status or detain solely because of that status.
- Hold someone past their jail release date based on a civil immigration warrant.
- Assist in arrests based on civil immigration warrants.
- Provide a detainees information unless that information is already public.
- Provide office space for federal immigration agents, etc.
- Allow local agency officers to be supervised by federal agencies for immigration enforcement purposes.

Local agencies can:

- Respond to request from federal agents if release dates and times are already publicly available.
- Respond to requests for transfer from ICE when the detainee has already been convicted of a serious or violent felony or the individual is a current registrant of the California Sex and Arson Registry, or a judicial warrant has been issued.
- Permit ICE agents to interview detainees in jail if certain requirements are met.
- Participate in joint law enforcement task force as long as the primary purpose is not immigration enforcement.

If a local enforcement agency transfers a person to immigration authorities, they are required to report to the Department of Justice annually regarding the transfers. They are also required to hold at least one community forum open to the public during the following year.

Statewide debate over SB 54

Cities and counties throughout California have voiced concerns over the validity of SB 54 and the restrictions it places on local government by forcing them to be noncompliant with federal law and break an oath of office made to abide by the U.S. Constitution.

To date, cities and counties have announced a formal position on the matter including:

- Orange County: Announced opposition to SB 54 and joined in federal law suit against the State of California.
- Santa Clarita City: Opposed SB 54 and filed an amicus brief.
- Newport Beach: Passed a resolution opposing SB 54.
- Los Alamitos: Took an oppose position and passed a resolution claiming exemption from SB 54.
- Huntington Beach: Filed a lawsuit against California in State Court.
- San Diego County: Filed an amicus brief and took a formal position of opposition to SB 54.

The Tulare County Sheriff recently took to public comment to urge the Board of

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Supervisors to take a position in regards to SB 54 and consider filing litigation against the State of California. He shared concerns about the inability to cooperate with ICE to address those persons who pose a real and immediate threat to the safety of the people of Tulare County.

Tulare County and SB 54

Tulare County is best known for its thriving agricultural community and has been one of the top two agricultural counties in the United States for many years. The County's agricultural economy is dependent upon reliable labor which in large part has been provided by immigrants. The Tulare County Board of Supervisors approved a letter back in October of 2017 urging Congress to find a legislative solution to immigration.

The issue with SB 54 is not immigrants working in our vibrant agricultural community, it is individuals who commit violent and serious crimes and whether our local law enforcement should be able to communicate their status to the federal government.

Unfortunately, for counties such as Tulare County who abide by both state and federal government and partner with enforcement agencies to make sure the residents live in the safest communities possible, SB 54 places local government in the middle of a discussion without the authority to address the root cause or enact meaningful laws. Congress, along with past and current administrations, has been unable to enact and enforce comprehensive immigration reform legislation that could alleviate some of the burden placed on counties who have to address differing State and Federal orders.

Currently, Tulare County receives funding from the federal government as reimbursements for costs incurred to incarcerate undocumented criminals. The problem is that funding represents approximately 5 percent of the actual costs incurred. In the absence of adequate reimbursement from the federal government, Tulare County is forced to divert limited local resources from other essential programs. The County does not want to risk a reduction of federal funding due to information that they are unable to provide voluntarily.

Recommendation

The County has reviewed ongoing litigation and conversations occurring throughout the state in regards to SB 54 and cities/counties proclaiming sanctuary/non-sanctuary status. At this time it is recommended that the Board adopt a resolution stating their opposition to SB 54 and urging Congress, the Federal Administration, and our own State Government to work together to find a solution to immigration reform. At this time, it is not requested that the County initiate legal action against the State of California.

FISCAL IMPACT/FINANCING:

There is no net county cost associated with this request.

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LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Adopt a resolution declaring opposition to SB 54 is linked to all four Strategic Initiatives: Safety and Security, Economic Well-Being, Quality of Life, and Organizational Performance.

ADMINISTRATIVE SIGN-OFF:

Julieta Martinez
Chief of Staff

Cc: Auditor-Controller
County Counsel
County Administrative Office (2)

BEFORE THE BOARD OF SUPERVISORS COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF RESOLUTION
DECLARING OPPOSITION TO
SB 54

)
) Resolution No. _____
) Agreement No. _____
)

WHEREAS, elected officials swear on oath to uphold the U.S. Constitution and the California constitution and recognize Federal law concerning immigration is solely within U.S. jurisdiction; and

WHEREAS, Tulare County is a subdivision of the State of California and is required to uphold the law of California; and

WHEREAS, the State of California has adopted law, i.e. SB 54, and promulgated regulations placing the county in peril where officials who have sworn to uphold the U.S. Constitution must choose between complying within state law in conflict with the U.S. Constitution; and

NOW, THEREFORE BE IT RESOLVED, the Tulare County Board of Supervisors hereby declared that the State of California has put the County of Tulare in direct conflict between the Federal and State law.

BE IT FURTHER RESOLVED, the Tulare County Board of Supervisors hereby declares opposition to SB 54 and encourages State and Federal authorities to resolve this conflict.

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: MICHAEL C. SPATA
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

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Received a presentation from Board of Supervisors' staff regarding SB 54.
Adopted a resolution declaring opposition to SB 54 also known as the California
Values Act.