

RESOLUTION NO. 11074

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ORANGE STAYING
COMPLIANCE WITH SB54 PENDING A
DECISION IN THE MATTER OF *UNITED
STATES OF AMERICA v. STATE OF
CALIFORNIA***

WHEREAS, we are a nation of laws; and

WHEREAS the City of Orange is obligated to follow valid Federal and State laws; and

WHEREAS, the Federal government has broad constitutional jurisdiction over immigration law; and

WHEREAS, the State of California enacted a statute effective January 1, 2018 known as the California Values Act (SB 54); and

WHEREAS, the California Values Act impacts Federal immigration law and enforcement in several respects, including: (1) precluding state and local officials from voluntarily providing to the United States information about the release date from state or local criminal custody of criminal aliens who may be subject to removal and are subject to detention by the United States; (2) precluding state and local officials from voluntarily providing to the United States other information relevant to the alien's immigration status; and (3) prohibiting state and local officials from transferring aliens to the United States when they are scheduled to be released from state or local custody; and

WHEREAS, The United States of America is suing The State of California in the United States District Court for the Eastern District of California (Case No. 18-cv-00490) (the "Lawsuit") claiming that the California Values Act is unconstitutional in whole in part and seeking an injunction against enforcement of the California Values Act.; and

WHEREAS, the City Orange is caught in the middle of this dispute; and

WHEREAS, the U.S. Supreme Court will likely need to decide the constitutionality of the Sanctuary State laws; and

WHEREAS, the City of Orange should not be forced to decide whether to violate Federal law or State law; and

WHEREAS, the City of Orange passed Resolution No. 10482 in 2010 declaring the City's support for the enforcement of federal immigration laws; and

ITEM: 5.1 DATE OF MEETING: 4/10/18

WHEREAS, the County of Orange who receives and prosecutes all those in criminal custody, arrested within the City of Orange, by unanimous vote of the Board of Supervisors, is joining the United States of America in the Lawsuit against the State of California.

NOW, THEREFORE, BE IT RESOLVED that the City of Orange will, respectfully, stay compliance with SB 54, commonly known as the Sanctuary State law, until the *United States of America v. State of California* case is fully and finally decided by the judiciary and the City Attorney is directed to file an amicus curiae brief on behalf of the City of Orange supporting the position of the United States of America, as allowed by law in any current or future proceedings.

ADOPTED this ____ day of _____, 2018

Teresa E. Smith, Mayor, City of Orange

ATTEST:

Mary E. Murphy, City Clerk, City of Orange

I, MARY E. MURPHY, City Clerk of the City of Orange, California, do hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Orange at a regular meeting thereof held on the ____ day of _____, 2018 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Mary E. Murphy, City Clerk, City of Orange