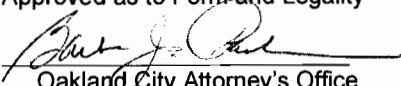


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Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 83721 C.M.S.

Introduced by Council President Larry Reid and City Attorney Barbara J. Parker

RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SIGN ONTO AN AMICUS BRIEF ON BEHALF OF THE CITY OF OAKLAND URGING THE U.S. SUPREME COURT TO UPHOLD THE INJUNCTION ENJOINING IMPLEMENTATION OF THE STATE OF ARIZONA'S UNCONSTITUTIONAL ANTI-IMMIGRATION LAW (SENATE BILL 1070)

WHEREAS, in 2010 the State of Arizona enacted Senate Bill ("SB") 1070, entitled the "Support our Law Enforcement and Safe Neighborhoods Act"; and

WHEREAS, SB 1070 is an anti-immigrant measure cloaked as one intended to encourage attrition of undocumented immigrants from Arizona by deputizing all local law enforcement officers as enforcers of federal immigration law; and

WHEREAS, the law was widely condemned by federal, state and local officials across the nation, and the City Council of City of Oakland passed a resolution opposing the legislation and its implementation; and

WHEREAS, SB 1070 limits localities' ability to protect public safety and forces local governments to divert resources to duties that are the federal government's responsibility; and

WHEREAS, SB 1070 creates criminal penalties for civil immigration violations, forces lawful immigrants to carry documents that substantiate their legal status and criminalizes activities of day laborers; and

WHEREAS, the federal government filed a lawsuit in federal court challenging SB 1070's constitutionality; and

WHEREAS, the lawsuit asserted that the federal government has exclusive authority to regulate immigration and SB 1070 therefore is preempted by federal law; and

WHEREAS, the federal district court granted a preliminary injunction enjoining four provisions of the law, concluding that those four provisions likely

were preempted by federal law, that federal interests would be irreparably harmed if the law took effect; and

WHEREAS, in April 2011, the U.S. Court of Appeals for the Ninth Circuit upheld the district court's injunction, holding that four key provisions of the law are impliedly preempted by federal immigration law, and preventing them from going into effect; and

WHEREAS, the State of Arizona filed a petition for writ of certiorari asking the U.S. Supreme Court to hear the case, and

WHEREAS, the high court granted review and is expected to hand down its decision in 2012; and

WHEREAS, the County Counsel of the County of Santa Clara is preparing an amicus curiae ("friend of court") brief on behalf of counties, cities, and local law enforcement agencies that will support the U.S. government's position and urge the Supreme Court to affirm the Ninth Circuit's holding; and

WHEREAS, joining the amicus brief is a meaningful way to help prevent the implementation of SB 1070 and copy cat laws across the country and to show support for immigrant communities locally and nationwide; now therefore be it

RESOLVED: That the City Council hereby authorizes the city attorney to sign the amicus brief that Santa Clara County Counsel will file in the U. S. Supreme Court, urging the Court to uphold the injunction prohibiting implementation of SB 1070, Arizona's unconstitutional, anti-immigration law.

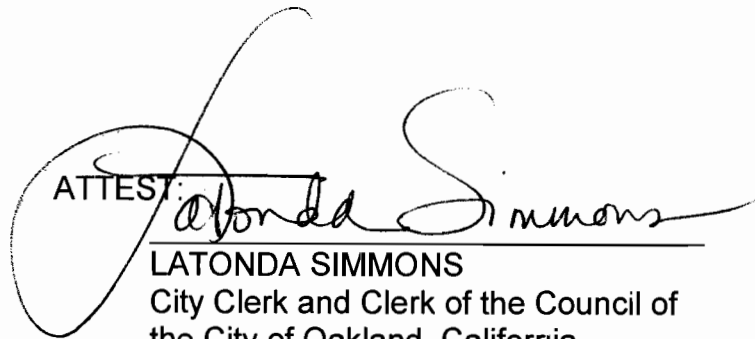
IN COUNCIL, OAKLAND, CALIFORNIA, FEB 21 2012

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KERNIGHAN, NADEL,
SCHAAF, KAPLAN AND PRESIDENT REID - 8

NOES - 0
ABSENT - 0
ABSTENTION - 0

ATTEST:


LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California