


Approved as to Form and Legality

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Oakland City Council

2010 JUL -9 AM 8:22

RESOLUTION No. 82886 C.M.S.

RESOLUTION AUTHORIZING THE CITY ATTORNEY, ON BEHALF OF THE CITY OF OAKLAND, TO JOIN IN AN AMICUS (FRIEND OF THE COURT) BRIEF IN THE UNITED STATES DISTRICT COURT CASE OF FRIENDLY HOUSE, ET AL., V. MICHAEL B. WHITING, ET AL. (CASE NO. CV 10-1061-PHX-JWS), ASKING THE COURT TO GRANT THE PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION TO PREVENT THE IMPLEMENTATION OF ARIZONA SENATE BILL 1070, WHICH AMONG OTHER THINGS AUTHORIZES THE POLICE "WHEN PRACTICABLE" TO DETAIN PEOPLE THEY "REASONABLY SUSPECT" ARE IN THE UNITED STATES ILLEGALLY

WHEREAS, the City Council passed a resolution denouncing Arizona Senate Bill 1070 , a law that seeks to implement Arizona's own scheme of immigration regulation that will inevitably lead to racial profiling of people of color and persons with limited English proficiency and encouraging cities throughout the country to denounce Senate Bill 1070 and encouraging citizens, business churches, schools, organizations, associations and others in the City, to boycott the State of Arizona and Arizona-based businesses until Arizona repeals Senate Bill 1070; and

WHEREAS, Arizona Senate Bill 1070, among other things, authorizes the police "when practicable" to detain people they "reasonably suspect" are in the country illegally; allows the police to charge immigrants with a state crime for not carrying immigration documents; creates a private right of action to sue cities upon belief that the government has a policy or practice that restricts immigration law enforcement; and makes it a crime to stop on a public street to attempt to hire a temporary worker; and

WHEREAS, President Barack H. Obama has declared that Arizona Senate Bill 1070 threatens to "undermine basic notions of fairness that we cherish as Americans, as well as the trust between police and their communities that is so crucial to keeping us safe"; and

WHEREAS, a number of plaintiffs have filed a lawsuit in the United States District Court for the District of Arizona challenging the constitutionality of Arizona Senate Bill 1070 and asking the federal trial court to issue a preliminary injunction preventing the implementation of Arizona Senate Bill 1070; and

WHEREAS, other cities across the country have agreed to join in the filing of an amicus brief in support of plaintiffs' motion for a preliminary injunction, including without limitation, the counties of Santa Clara, and Los Angeles and the cities of Baltimore, Maryland, Berkeley, California, Los Angeles, California, Minneapolis, Minnesota, New Haven, Connecticut, Palo Alto, California, Portland, Oregon, Saint Paul, Minnesota, Seattle, Washington, and San Jose, California; and

WHEREAS, the City of Oakland desires to join in the filing of the amicus brief in support of the plaintiffs' motion for preliminary injunction; now therefore be it

RESOLVED: that the City Council authorizes the City Attorney to sign onto an amicus ("friend of the court") brief in support of plaintiffs' motion asking the United States District Court to issue a preliminary injunction preventing the implementation of Arizona Senate Bill 1070.

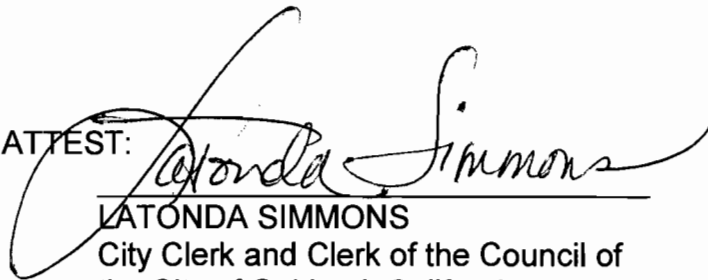
IN COUNCIL, OAKLAND, CALIFORNIA, JUL 20 2010

PASSED BY THE FOLLOWING VOTE:

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

NOES - 0
ABSENT - 0
ABSTENTION - 0

ATTEST:



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