

**RESOLUTION NO. 74-10**

**RESOLUTION OF THE RICHMOND CITY COUNCIL ENCOURAGING THE CONTRA COSTA BOARD OF SUPERVISORS TO UPHOLD PUBLIC SAFETY AND AFFIRM THE SEPARATION BETWEEN COUNTY SERVICES AND THE ENFORCEMENT OF FEDERAL CIVIL IMMIGRATION LAW BY OPTING OUT OF THE SECURE COMMUNITIES PROGRAM**

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**WHEREAS**, the City of Richmond strongly encourages the Contra Costa Board of Supervisors to honor and support the City of Richmond's commitment to the public safety of its citizenry; and

**WHEREAS**, City of Richmond in the County of Contra Costa, is home to a diverse and vibrant community of people who represent many races, ethnicities, and nationalities, including immigrants from all over the world; and

**WHEREAS**, approximately one in four of all City of Richmond residents are foreign born; and

**WHEREAS**, on February 6, 2007, the Richmond City Council adopted a resolution reaffirming its support for comprehensive immigration reform that is fair, just and humane, and ordering all City employees and officers to not cooperate with Immigration and Customs Enforcement (ICE) officers without specific authorization of the City Manager or Police Chief; and

**WHEREAS**, the Richmond City Council recognizes that fostering a relationship of trust, respect, and open communication between County employees and *all* County residents is essential to County departments' core mission of ensuring public safety and serving the needs of the entire community; and

**WHEREAS**, the Richmond City Council has consistently sought to protect the rights of all City and County residents to be free from discrimination, abuse, violence, and exploitation, as reflected by its enduring commitment to protecting victims of hate crimes, domestic violence, elder abuse, and racial profiling; and

**WHEREAS**, the Richmond City Council wishes to encourage all residents of the City of Richmond and Contra Costa County to report crimes to City and County law enforcement officials and to use County services without fear of being arrested by or reported to U.S. Immigration and Customs Enforcement ("ICE"); and

**WHEREAS**, the Richmond City Council believes that laws like Arizona's SB 1070 erode the relationship of trust between immigrant communities and local governments, subject individuals to racial profiling, discourage crime victims and witnesses from coming forward and cooperating with local law enforcement officials, and make people afraid to seek the services and medical assistance they and their children need, thereby undermining the health, safety, and well-being of citizens and non-citizens alike; and

**WHEREAS**, On May 4, 2010, the Richmond City Council adopted a resolution opposing Arizona Law SB 1070 and urging its immediate repeal; and

**WHEREAS**, the enforcement of federal civil immigration law is the responsibility of the federal government and not of the City or County; and

**WHEREAS**, the "Secure Communities" Program specifically mandates the collaboration between local police and immigration that would require the automatic investigation of the immigration status of anyone, citizen or non-citizen, who is arrested and fingerprinted for any crime, no matter the severity, by electronically crosschecking their fingerprints against an ICE data base, and

**WHEREAS**, the City Council for Washington D.C. unanimously passed the "Secure Communities Act of 2010", a resolution to prohibit the District of Columbia from transmitting arrest data of any individual with ICE, and

**WHEREAS**, consistent with the U.S. Constitution's prohibition on the federal commandeering of local resources, the Richmond City Council has long opposed measures that would deputize local officials and divert County resources to fulfill the federal government's role of enforcing civil immigration law; and

**WHEREAS**, in this time of economic difficulties, the Richmond City Council remains committed to maximizing public safety, public health, and vital services on which the entire community depends, and recognizes that the best way to achieve these priorities is to foster an environment of inclusiveness and trust between the government and all City and County residents;

**THEREFORE, BE IT RESOLVED** that The Richmond City Council strongly encourages the Contra Costa County Board of Supervisors to opt out of the *voluntary* Secure Communities Program, and to create policy that ensures no County funds or resources shall be used to assist in the enforcement of federal civil immigration law, and

**BE IT FURTHER RESOLVED** that, the Richmond City Council encourages the Contra Costa County Board of Supervisors to create policy that ensures that, as to all County departments and agencies subject to the Board of Supervisors' jurisdiction:

1. No County department, agency, officer, or employee who collects information for the purpose of determining eligibility for services or benefits from federal, state, or third-party payors, or for seeking reimbursement from federal, state, or third-party payors, shall use any County funds or resources to provide that information to ICE for purposes of assisting in the enforcement of federal civil immigration law.
2. No County department, agency, officer, or employee shall initiate any inquiry or enforcement action based solely on a person's actual or suspected immigration status, national origin, race, ethnicity, and/or inability to speak English.
3. No County department, agency, officer, or employee shall use any County funds, resources, or personnel to investigate, question, apprehend, or arrest an individual for an actual or suspected civil violation of federal immigration law.
4. No County department, agency, officer, or employee shall use any County funds or resources to gather or disseminate information concerning an individual's immigration status for purposes of assisting ICE in enforcing federal civil immigration law unless such assistance is required by federal or state law.
5. No County department, agency, officer, or employee shall condition the provision of County services or benefits on the citizenship or immigration status of the individual except where such conditions are lawfully imposed by federal, state, or local law.
6. No County department, agency, officer, or employee who collects information for the purpose of determining eligibility for services or benefits from federal, state, or third-party payors, or for seeking reimbursement from federal, state, or third-party payors, shall use any County funds or resources to provide that information to ICE for purposes of assisting in the enforcement of federal civil immigration law.
7. The County calls on ICE agents performing official business in the County to identify themselves as federal immigration officers, to make clear that they are not officers, agents, or employees of the County, and to comply with legal mandates to refrain from racial profiling and to respect the due process rights of County residents, including but not limited to providing all required warnings concerning an individual's right to remain silent, the right not to sign documents he or she does not understand, and the right to speak with a lawyer.

**BE IT FURTHER RESOLVED** that, The Richmond City Council direct the City Manager to send a copy of this resolution to all of the members of the County Board of Supervisors, and to Congressman George Miller and Senators Boxer and Feinstein.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held on June 15, 2010, by the following vote:

AYES: Councilmembers Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin.  
NOES: Councilmember Bates.  
ABSTENTIONS: Councilmember Butt.  
ABSENT: None.

DIANE HOLMES  
Clerk of the City of Richmond

[Seal]

APPROVED

GAYLE McLAUGHLIN  
Mayor

Approved as to form:

RANDY RIDDLE  
City Attorney

State of California            }  
County of Contra Costa        } : ss.  
City of Richmond               }

I certify that the foregoing is a true copy of **Resolution No. 74-10**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on June 15, 2010.