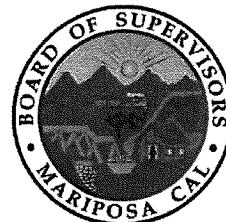


MARIPOSA COUNTY

Board of Supervisors • (209) 966-3222



RESOLUTION - ACTION REQUESTED 2018-213

MEETING: May 8, 2018
TO: The Board of Supervisors
FROM: Kevin Cann, District IV Supervisor
RE: Non-Sanctuary Resolution

RECOMMENDATION AND JUSTIFICATION:

Adopt a resolution declaring that Mariposa County complies with Federal immigration laws and does not constitute a "sanctuary" jurisdiction.

On October 5, 2017, Governor Edmund G. Brown, Jr. signed into law Senate Bill 54, commonly referred to as the "Sanctuary State" law. Following that action, various California cities and counties (including Tehama, Siskiyou, Shasta, and Orange counties) began taking action in opposition to that bill.

In response to constituent requests for similar action, the Board discussed the matter in open session at its April 24, 2018, meeting. At that time, direction was given for Supervisors Cann and Menetrey to work with staff to craft a similar resolution for Mariposa County with a target return time of two weeks. The resolution now before the Board is that action and has been reviewed by the District Attorney, County Counsel, the Sheriff, and the County Administrative Officer.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

April 24, 2018: The Board considered the matter and gave direction for an item to be returned in two weeks.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve and Mariposa County will have no action in opposition of SB 54.

FINANCIAL IMPACT:

This action has no foreseeable financial impact.

ATTACHMENTS:

Resolution - Compliance with Federal Laws (DOCX)

PUBLIC INPUT - Letter from Suzette Prue (DOCX)

PUBLIC INPUT - Letter from George and Lana Luczy (PDF)

Resolution - Action Requested 2018-213

PUBLIC INPUT - Email from Theran Balmain (PDF)

PUBLIC INPUT - Email from Lucy Gill (PDF)

PUBLIC INPUT - Email from Norm and Donna Ross(PDF)

PUBLIC INPUT - Email from Richard Terrell (PDF)

PUBLIC INPUT - Email from Marsha Palitz-Elliott (PDF)

PUBLIC INPUT - Email from Frances Shell (PDF)

PUBLIC INPUT - Letter from Karen Verdugo (PDF)

PUBLIC INPUT - Email from Lisa Rhudy (PDF)

RESULT: ADOPTED [4 TO 1]

MOVER: Marshall Long, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Merlin Jones, Marshall Long, Kevin Cann, Miles Menetrey

NAYS: Rosemarie Smallcombe

**MARIPOSA COUNTY BOARD OF SUPERVISORS
RESOLUTION NO. 18-213**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA
DECLARING THAT MARIPOSA COUNTY COMPLIES WITH FEDERAL IMMIGRATION
LAWS, AND DOES NOT CONSTITUTE A “SANCTUARY” JURISDICTION**

WHEREAS, the County of Mariposa respects both the rights of members of immigrant communities, and the authority of the United States government to regulate immigration; and

WHEREAS, the term “sanctuary” jurisdiction has historically and correctly been applied to those local governments who deliberately refuse to comply with federal immigration laws as the result of local policy decisions by that jurisdiction’s elected officials, with the intention of hindering enforcement of those laws; and

WHEREAS, federal law, 8 U.S.C. §§ 1373 and 1644, provides that no government entity may prohibit or restrict its officials from sending to, or receiving from, United States immigration authorities information regarding the citizenship or immigration status of any individual; and

WHEREAS, in addition to the foregoing mandatory legal obligations, United States immigration authorities often request additional voluntary assistance from local governments and law enforcement agencies, including requests to hold individuals in custody known as “immigration detainees” ; and

WHEREAS, such voluntary assistance is largely unreimbursed by the United States government, and as with all requests for interagency aid, local governments and law enforcement agencies with limited resources are often forced to make difficult decisions regarding whether assistance can be provided on a case-by-case basis, including considerations of funding, personnel availability, jail capacity, and other legal obligations;

NOW, THEREFORE, BE IT RESOLVED that the County of Mariposa, acting by and through the Mariposa County Board of Supervisors, hereby **DECLARES** that the County of Mariposa complies with 8 U.S.C. §§ 1373 and 1644, and does not prohibit or restrict its officials, employees, or any other person from sending to, or receiving from, United States immigration authorities information regarding the citizenship or immigration status of any individual.

BE IT FURTHER RESOLVED that the County of Mariposa, acting by and through the Mariposa County Board of Supervisors, hereby **DECLARES** that it **does not** refuse to comply with federal immigration laws as the result of any local policy decisions by County elected officials, **does not** have any intention of hindering enforcement of those laws, **and does not meet any reasonable definition of a “sanctuary” jurisdiction.**

BE IT FURTHER RESOLVED that the County of Mariposa will endeavor to provide appropriate interagency assistance to United States immigration authorities within the limits of its resources, including funding, personnel availability, jail capacity, and other legal obligations.

BE IT FURTHER RESOLVED that the United States Congress, federal Administration, and other appropriate agencies of the federal government are hereby urged to include representatives of rural local governments in California and nationwide in the process of developing any legal definition of a “sanctuary” jurisdiction.

BE IT FURTHER RESOLVED that the United States Congress, federal Administration, and other appropriate agencies of the federal government are hereby urged not to reduce, restrict, or eliminate any federal funding to local governments, on the sole basis that such local governments are sometimes unable to provide voluntary assistance to United States immigration authorities due to resource limitations as described above.

BE IT FURTHER RESOLVED that the United States Congress, federal Administration, and other appropriate agencies of the federal government are hereby urged to provide local governments with full cost reimbursement for any assistance requested by and rendered to United States immigration authorities.

BE IT FURTHER RESOLVED that the California Legislature, Governor, and appropriate California state agencies are hereby urged to adopt legislation, regulations, and policies applicable to local governments that adhere to federal law and are consistent with the authority of the United States government to regulate immigration.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 8th day of May, 2018, by the following vote:

AYES: JONES, LONG, CANN, MENETREY

NOES: SMALLCOMBE

ABSENT: NONE

ABSTAIN: NONE



ROSEMARIE SMALLCOMBE, Chair
Board of Supervisors

ATTEST:

APPROVED AS TO FORM:



RENÉ LaROCHE, Clerk of the Board



STEVEN W. DAHLEM, County Counsel