



CITY COUNCIL AGENDA REPORT

MEETING DATE: MAY 18, 2010

ITEM NUMBER: IX-3

**SUBJECT: RESOLUTION DECLARING COSTA MESA AS A "RULE OF LAW CITY"
PERTAINING TO IMMIGRATION ENFORCEMENT**

DATE: MAY 17, 2010

FROM: CITY MANAGER'S DEPARTMENT

PRESENTATION MAYOR ALLAN R. MANSOOR

BY:

FOR FURTHER INFORMATION CONTACT: Allan L. Roeder at (714) 754-5328

RECOMMENDATION:

Provide direction.

DISCUSSION:

The proposed resolution is being brought forward at the request of Mayor Mansoor and in compliance with Council Policy 300-6. The Mayor will be presenting the item and articulating the basis for bringing the item forward for City Council consideration.

The resolution represents a proposed statement of policy and does not enact any new laws, programs or authorize the expenditure of public funds. Staff understands that the Mayor may address specific proposals for future City Council consideration consistent with the expressed intent in the proposed resolution. Any specific proposal requiring City Council review must be placed on a future agenda for separate discussion, public comment and vote of the City Council.

ALTERNATIVES CONSIDERED:

As the resolution is strictly a policy statement, the City Council may choose to deny the request or approve with modifications in the proposed language.

FISCAL REVIEW:

The resolution as proposed has no fiscal impact. Any future proposals submitted in the furtherance of the resolution's intent will be evaluated separately to ascertain any financial impact.

LEGAL REVIEW:

The City Attorney's Office has reviewed the resolution and approved it as to form.

CONCLUSION:

As a policy statement, the City Council has full discretion in consideration of the proposed resolution.



Allan L. Roeder
City Manager

Attachments: Attachment 1 Resolution 10-27

RESOLUTION NO. 10-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF COSTA MESA, PROCLAIMING THE CITY OF COSTA
MESA AS A "RULE OF LAW CITY."

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES
AS FOLLOWS:

WHEREAS, the Federal Government under the provisions of the Immigration and Nationality Act as codified in the United States Code (U.S.C.) is responsible for the establishment and enforcement of the laws of the United States of America as they pertain to legal immigration; and

WHEREAS, the authority for enforcement of the Immigration and Nationality Act and the U.S.C. is vested with the Federal Government, and it is the responsibility of all levels of government to fully support the Federal Government in the exercise of its obligations under the law pertaining to immigration; and

WHEREAS, the level of immigration enforcement by the Federal Government has been inadequate in preventing millions of persons from illegally entering the United States without complying with the laws of our nation; and

WHEREAS, while the City of Costa Mesa welcomes legal immigrants, illegal immigrants impose burdens on the citizens and legal residents of Costa Mesa which include decreased job opportunities, increased fiscal costs for education, law enforcement, health care, and other social services; and

WHEREAS, the City of Costa Mesa has cooperated with U.S. Immigration and Customs Enforcement (ICE) since December 2006 in the identification of suspected violators of Federal immigration law through the placement of an ICE Officer in the City's Custody Facility; and

WHEREAS, this cooperative effort has resulted in the identification of almost 1300 suspected violators of Federal Immigration law, enabling the ICE to be more effective in the exercise of its responsibilities under the law; and

WHEREAS, the City of Costa Mesa and every municipality in the United States can and should do more at the local level in support of Federal Immigration authorities

without usurping Federal authority or taking actions that raise concerns to those who are in the United States legally; and

WHEREAS, the City of Costa Mesa should consider and approve those local measures that further the efforts of Federal Immigration officials and define the City as a Rule of Law City when it comes to upholding our immigration laws.

NOW THEREFORE BE IT RESOLVED that the City Council of Costa Mesa does hereby pledge support of Federal immigration enforcement through the adoption of local measures within the scope of municipal authority and declare that Costa Mesa is not a sanctuary city and is in fact a Rule of Law City in regards to upholding our immigration laws.

PASSED AND ADOPTED this 18th day of May, 2010.

Allan R. Mansoor, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie Folcik, City Clerk

Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 10-XX and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 18th day of May, 2010, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 19th day of May, 2010.

JULIE FOLCIK, CITY CLERK

(SEAL)