



Berkeley City Council

CONSENT CALENDAR

May 18, 2010

To: Honorable Mayor and Members of the City Council

From: Councilmembers Jesse Arreguín, Kriss Worthington and Darryl Moore

Subject: Denouncing Arizona State Senate Bill 1070 and Calling for a Boycott of the State of Arizona and Arizona-based Businesses

RECOMMENDATION:

Adopt a Resolution denouncing Arizona State 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that will inevitably lead to racial profiling of people of color and limited English proficient persons and if not repealed urging the City Manager to refrain from entering into new contracts and consider discontinuing existing contracts with businesses headquartered in Arizona and urging the restriction of all non-essential travel by city officials and employees to Arizona.

BACKGROUND:

On April 23, 2010, Arizona State Senate Bill 1070 was signed into law by Arizona Governor Jan Brewer. SB 1070 is one of the most regressive laws passed on immigration policy in the country. The bill requires police "when practicable" to detain people they "reasonably suspect" are in the country without authorization; 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.

SB 1070 will inevitably lead to racial profiling, jeopardizes public safety and creates a wedge between law enforcement and ethnic communities. President Barack Obama has stated that SB 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".

If SB 1070 is not repealed the resolution calls for a boycott of the State of Arizona and Arizona-based businesses and encourages the City Manager to refrain from entering into new or amended contracts to purchase goods or services from any company headquartered in Arizona. This boycott urges the City Manager to establish a restriction on all non-essential travel by city officials and employees to Arizona and further asks

the City Manager to review existing contracts for the purchase of goods and services with companies headquartered in Arizona and to explore opportunities to discontinue those contracts consistent with the terms of those contracts and principals of fiscal responsibility.

A number of cities are considering passing similar resolutions including the City and County of San Francisco and the City of Oakland. The resolution also encourages Berkeley citizens, businesses, churches, schools, organizations, associations, and others in the City, as well as other cities in the country to pass similar resolutions denouncing SB 1070 and calling for a boycott of the State of Arizona and Arizona-based businesses until SB 1070 is repealed.

FINANCIAL IMPLICATIONS:

Unknown.

CONTACT PERSON:

Jesse Arreguín, Councilmember, District 4	981-7140
Kriss Worthington, Councilmember, District 7	981-7170

Attachments:

1. Resolution
2. Copy of Arizona State Senate Bill 1070

RESOLUTION NO. ##,###-N.S.

DENOUNCING ARIZONA STATE SENATE BILL (SB) 1070 AND CALLING FOR A
BOYCOTT OF THE STATE OF ARIZONA AND ARIZONA BASED BUSINESSES

WHEREAS, the San Francisco Board of Supervisors and the Oakland City Council are considering resolutions denouncing SB 1070, calling for a boycott of the State of Arizona and Arizona based businesses and the City of Berkeley would like to pass a similar resolution; and

WHEREAS, Arizona's legislature passed SB 1070, which Arizona Governor Jan Brewer signed into law on April 23, 2010, and set the clock back on a generation of civil rights gains; and

WHEREAS, SB 1070 requires the police "when practicable" to detain people they "reasonably suspect" are in the country without authorization; 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 street to attempt to hire a temporary worker; and

WHEREAS, SB 1070 will inevitably lead to racial profiling, jeopardize public safety, and create a wedge between law enforcement and ethnic communities; and

WHEREAS, SB 1070 has been strongly criticized by civil rights leaders and organizations, constitutional rights scholars, elected officials and police chiefs across the country; and

WHEREAS, President Barack Obama has stated that SB 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, the people targeted by SB 1070 are not strangers – our American lives are inextricably bound to theirs. SB 1070 will not only intimidate our nannies and our gardeners, but also our nurses and our home care workers. And it will not stop there. It will intimidate our college students, teachers, doctors, lawyers, engineers. Everyone who looks Latino – citizens, legal permanent residents, temporary visa holders, and the undocumented – will be primary targets under this law.

NOW THEREFORE, BE IT RESOLVED that unless and until the State of Arizona rescinds SB 1070, the Berkeley City Council urges the City Manager (1) to the extent practicable, and in instances where there is no significant additional cost to the City nor conflict with law, to refrain from entering into any new or amended contracts to purchase goods and service from any company that is headquartered in Arizona, (2) restrict all non-essential travel by city officials and employees to the State of Arizona, and (3) to review existing contracts for the purchase of goods and services with companies

headquartered in Arizona and explore opportunities to discontinue those contracts consistent with the terms of those contracts and principles of fiscal responsibility; and,

BE IT FURTHER RESOLVED that that Council of the City of Berkeley encourages citizens, businesses, churches, schools, organizations, associations and others in the City, to boycott the State of Arizona and Arizona-based businesses until Arizona repeals SB 1070; and

BE IT FURTHER RESOLVED that the Council of the City of Berkeley calls on other cities throughout the country to pass a similar resolution denouncing SB 1070 and calling for a boycott of the State of Arizona and Arizona-based businesses until it repeals SB 1070; and

BE IT FURTHER RESOLVED that the Council of the City of Berkeley hereby directs the City Clerk to send copies of this resolution to Arizona Governor Jan Brewer.