

J. MICHAEL CAREY
City Clerk

FRANK T. MARTINEZ
Executive Officer

When making inquiries
relative to this matter
refer to File No.

03-0002-S148

September 26, 2003

Honorable James Hahn, Mayor
Chief Legislative Analyst
Councilmember Zine
Councilmember Villaraigosa
Councilmember Padilla

RE: OPPOSITION TO H.R. 2671 (NORWOOD), THE CLEAR LAW ENFORCEMENT FOR
CRIMINAL ALIEN REMOVAL ACT OF 2003 WHICH WILL PREEMPT LOCAL LAWS
AND POLICIES ABOUT IMPLEMENTING FEDERAL IMMIGRATION LAWS, SUCH AS
OUR CITY'S SPECIAL ORDER 40

I HEREBY CERTIFY that the attached motion (Zine - Villaraigosa -
Padilla), resolution (Zine - Villaraigosa - Padilla) and findings were
adopted by the Los Angeles City Council at its meeting held September
17, 2003. The file was sent to the Mayor FORTHWITH. The Mayor
concurred September 24, 2003.

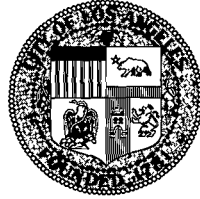
J. Michael Carey

City Clerk
vdw

cc: 8 Certified copies sent to Sacramento Representatives
8 Certified copies sent to Washington Representatives

CITY OF LOS ANGELES

CALIFORNIA



JAMES K. HAHN
MAYOR

Office of the
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 978-1043
General Information - (213) 978-1133
Fax: (213) 978-1040

HELEN GINSBURG
Chief, Council and Public Services Division

PLACE IN FILES
SEP 30 2003
DEPUTY



Mayor's Time Stamp

RECEIVED

'03 SEP 17 P4 58

DEPUTY MAYOR

FORTHWITH

RECEIVED
CITY CLERK'S OFFICE
City Clerk's Time Stamp
2003 SEP 17 PM 4: 52
CITY CLERK
BY _____
DEPUTY

SUBJECT TO MAYOR'S APPROVAL

COUNCIL FILE NO. 03-0002-S148

COUNCIL DISTRICT NO. _____

COUNCIL APPROVAL DATE SEPTEMBER 17, 2003

RE: OPPOSITION TO H.R. 2671 (NORWOOD), THE CLEAR LAW ENFORCEMENT FOR
CRIMINAL ALIEN REMOVAL ACT OF 2003 WHICH WILL PREEMPT LOCAL LAWS AND
POLICIES ABOUT IMPLEMENTING FEDERAL IMMIGRATION LAWS, SUCH AS OUR CITY'S
SPECIAL ORDER 40

LAST DAY FOR MAYOR TO ACT SEP 29 2003
(10 Day Charter requirement as per Charter Section 231(h))

DO NOT WRITE BELOW THIS LINE - FOR MAYOR OFFICE USE ONLY

APPROVED
_____ *v*

*DISAPPROVED

*Transmit objections in writing
pursuant to Charter Section
231 (h)

DATE OF MAYOR APPROVAL OR DISAPPROVAL SEP 24 2003

DEPUTY
BY _____
CITY CLERK

James K. Salvo

MAYOR

certify
SEP 26 2003

2003 SEP 26 PM 12: 21
RECEIVED
CITY CLERK'S OFFICE

SPECIAL 1

MOTION

It has just come to the attention of the City officials that there is a mark-up hearing tomorrow, September 18, 2003, of H.R. 2671 (Norwood; R-GA), the Clear Law Enforcement for Criminal Alien Removal Act (the CLEAR Act), which legislation would preempt this City's policy that undocumented alien status in itself is not a matter for police action. The attached Resolution proposes a City position of opposition to the CLEAR Act.

I THEREFORE MOVE that the Council determine, as provided in Section 54954.2(b)(2) of the Government Code, and pursuant to Rule 23 of the Rules of the City Council, that there is a need to take immediate action on this matter AND that the need for action came to the attention of the City Council subsequent to the posting of the agenda for today's Council meeting.

Presented by: _____

Seconded by: _____

N:\HR2671.wpd

AP

FINDINGS,
MOTION & RESOL.

ADOPTED

SEP 17 2003

LOS ANGELES CITY COUNCIL

TO THE MAYOR FORTHWITH

MAYOR WITH FILE - 231(h)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the House of Representatives' Committee on the Judiciary will be marking up H.R. 2671 (Norwood; R-GA), the Clear Law Enforcement for Criminal Alien Removal Act of 2003 (the CLEAR Act) tomorrow, September 18, 2003, which will mandate that state and local law enforcement enforce federal immigration laws or risk the loss of reimbursement from the State Criminal Alien Assistant Program (SCAAP); and

WHEREAS, Section 102 of the bill preempts local laws that bar their law enforcement officers from assuming federal immigration law enforcement responsibilities; and

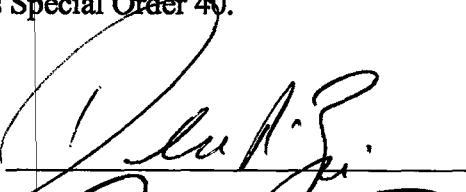
WHEREAS, our Police Department's Special Order 40 that undocumented alien status in itself is not a matter for police action would be preempted by HR 2671's Section 102, or the city would face loss of SCAAP reimbursements; and

WHEREAS, this legislation also creates an unfunded mandate by the federal government by requiring local governments to pay up to half of the cost of training their personnel in enforcing federal immigration law; and

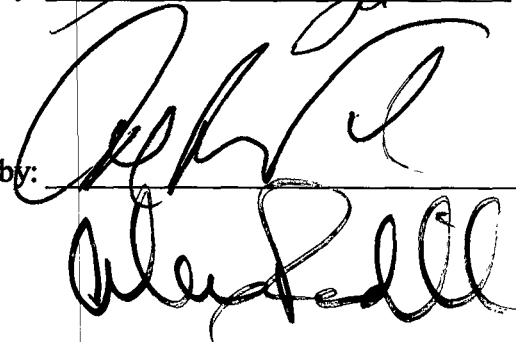
WHEREAS, this bill will also wreck havoc on this City's long and dedicated efforts to implement community policing in our large, diverse City.

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2003-04 Federal Legislative Program OPPOSITION to H.R. 2671 (Norwood), the Clear Law Enforcement for Criminal Alien Removal Act of 2003 which will preempt local laws and policies about implementing federal immigration laws, such as our City's Special Order 40.

Presented by:



Seconded by:



**RESOL.
ADOPTED**

SEP 17 2003

LOS ANGELES CITY COUNCIL

COUNCIL VOTE

Sep 17, 2003 11:44:49 AM, #9

Special Motion No. 1 (Zine - Villaraigosa - Padilla)

Voting on Item(s):

Roll Call

CARDENAS	Yes
GARCETTI	Yes
GREUEL	Yes
HAHN	Yes
LABONGE	Yes
LUDLOW	Absent
MISCIKOWSKI	Absent
PARKS	Yes
PERRY	Yes
REYES	Yes
SMITH	Yes
VILLARAIGOSA	Yes
WEISS	Yes
ZINE	Yes
*PADILLA	Yes

Present: 13, Yes: 13 No: 0

FINDINGS
ADOPTED

COUNCIL VOTE

Sep 17, 2003 12:12:26 PM, #10

Special Motion No. 1 (Zine - Villaraigosa - Padilla)

Voting on Item(s):

Roll Call

CARDENAS	Yes
GARCETTI	Yes
GREUEL	Yes
HAHN	Yes
LABONGE	Yes
LUDLOW	Absent
MISCIKOWSKI	Absent
PARKS	Yes
PERRY	Yes
REYES	Yes
SMITH	Yes
VILLARAIGOSA	Yes
WEISS	Yes
ZINE	Yes
*PADILLA	Yes

Present: 13, Yes: 13 No: 0

MOTION & RESOL.
ADOPTED

CITY OF LOS ANGELES SPEAKER CARD

Date 9/17/03

Council File No., Agenda Item, or Case No.
SBL 1

I wish to speak before the City Council
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? For proposal
 Against proposal
Name: JIM MEADUSTON General comments

Business or Organization Affiliation: _____

Address: _____
Street City State Zip

Business phone: _____ Representing: _____

CHECK HERE IF YOU ARE A PAID SPEAKER AND PROVIDE CLIENT INFORMATION BELOW:

Client Name: _____ Phone #: _____

Client Address: _____
Street City State Zip

Please see reverse of card for important information and submit this entire card to the presiding officer or chairperson.