

RESOLUTION NO. 07-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CA
CONCERNING ILLEGAL AND UNAUTHORIZED IMMIGRATION
AND A CALL FOR ACTION

WHEREAS, the City Council of the City of Lancaster finds that in the State of California, illegal immigrants cause increased costs to both state and local governmental agencies for education, medical care and incarceration; and

WHEREAS, the U.S. Immigration and Naturalization Service (INS), the predecessor to the U.S. Immigration and Customs Enforcement (ICE), estimated in February 2003 that the resident illegal alien population of California was 2,209,000 as of January 2000; and

WHEREAS, the Pew Hispanic Center estimated that the illegal immigrant population in California was 2.4 million in 2004; and

WHEREAS, the Federation for American Immigration Reform (FAIR) estimated in 2004 that the illegal immigrant population in the state was 2.8 to 3 million persons; and

WHEREAS, in 1993 the California Senate Office of Research found that costs resulting from illegal immigration exceeded \$1 billion in California; and

WHEREAS, in 2004 FAIR estimated that the cost of illegal immigration to Californians was \$8.8 billion. In that study, FAIR estimated that in California uncompensated costs for illegal immigrants were \$1.4 billion for incarceration, \$1.4 billion for medical expenses, \$7.7 billion for educating illegal immigrant students and the children of illegal immigrants for a total annual cost for the state of California of \$10.5 billion. When the estimated \$1.7 in tax payments made by illegal aliens is subtracted, the State of California was left with uncompensated costs exceeding \$8.8 in 2004; and

WHEREAS, illegal immigration leads to poverty and increased crime and adds to government costs for increased law enforcement, incarceration and other social ills; and

WHEREAS, illegal immigrants are generally unskilled and depress the wages, working conditions and opportunities for U. S. citizens; and

WHEREAS, illegal immigration causes environmental impacts, increasing the population of the State of California and the City of Lancaster, leading to increased costs for transportation, educational and other social infrastructure, depletion of water resources, increased trash disposal and other government services; and

WHEREAS, the Federal Government, which bears primary responsibility for enforcement of immigration laws, is not addressing the problem of illegal immigration and is not enforcing immigration laws. As Senator Diane Feinstein stated regarding the Local Emergency Health Services Act of 2003: *“Unfortunately, the Federal Government has consistently failed to respond to the needs of state and local communities struggling to stay afloat on account of the growing costs of illegal immigration. And all too frequently, local communities are forced to shoulder this burden alone.”*

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND DIRECT AS FOLLOWS:

1. The City of Lancaster has and does fully cooperate in the limited efforts of the Federal Government to locate, apprehend, and deport illegal aliens but finds that such the Federal Government’s efforts have been inadequate.
2. The City Council for the City of Lancaster calls on the Federal Government and all elected and appointed Federal Officials:
 - a. To support and defend the Constitution of the United States;
 - b. To enforce the Federal Immigration and Nationality Act and all other laws of the United States regarding immigration, entry into this country, employment and arrest and deportation of unauthorized aliens;
 - c. To support and adopt federal legislation denying citizenship to persons born in the United States to parents who are not U.S. citizens.
 - d. To permit no guest worker, amnesty, preferential immigration treatment program or any program or law to similar effect benefiting illegal or unauthorized immigrants residing in the United States in violation of Federal regulations or law unless and until the Federal Government:
 - i. Has control of the United States borders and can substantially prevent unauthorized entry into this country;
 - ii. Has instituted an effective program to track, control and deport persons who enter the U.S. legally but overstay their permits in violation of federal regulations or law;
 - iii. Has instituted an effective form of identification and verification of eligibility for employment for all legal residents; and
 - iv. Has an effective and enforceable program for authorization to work in the United States; and

- v. Has required all illegal or unauthorized immigrants to return to their country of origin and lawfully apply for re-entry into the United States, and to go through the same admissions process applicable to all non-citizens seeking admission to work, attend school, visit or seek citizenship in the United States; and
 - vi. Commits sufficient resources to vigorously enforce laws against corporations, companies, organizations and individuals that hire illegal or unauthorized immigrants as workers for any purpose; and
 - vii. Has committed sufficient personnel and material resources to the continued enforcement of all U.S. Laws regarding immigration, border control and interior enforcement; and
 - viii. Has passed laws denying cities, counties and states that pass so-called “sanctuary” resolutions or ordinances (or that otherwise aid and abet those that seek to ignore or break any laws regarding immigration, entry into the United States, border control, interior enforcement, employment or entry into this Country) the benefits of any Federal program, assistance or funding; and
 - ix. Has clearly empowered and authorized all state and local authorities to deal with local and regional problems associated with illegal immigration, similar to those propositions or ordinances passed by the State of Arizona, the cities of Hazelton, Pennsylvania, Escondido, California and Farmers Branch, Texas. Such efforts should be supported and encouraged as assistance of and complementary to substantially increased efforts of the Federal Government to reduce and eliminate illegal and unauthorized immigration.
- e. To provide full funding and reimbursement to state and local governments for any and all costs incurred by those entities for education, incarceration, medical treatment and hospitalization, attendant infrastructure costs and any care or services provided to or for illegal aliens and their dependants.
3. Absent such concerted Federal action, the City Council for the City of Lancaster calls on all states, including the State of California, and all elected and appointed state and local officials to enact laws and regulations prohibiting any public funding to or for the assistance of illegal or unauthorized immigrants, by local or state agencies, except for law enforcement, emergency medical assistance, short-term, non-cash emergency disaster relief, public health assistance for immunizations and treatment of communicable diseases or where otherwise mandated by Federal Law.

4. The City Council for the City of Lancaster calls on all state and local officials, including the State of California and all its subordinate entities and all elected and appointed state and federal officials to demand enforcement by the Federal Government of all immigration and employment laws as set forth in this Resolution, and, upon the continued failure by the United States Government to do so, seek just compensation and other appropriate relief for all costs to educate, imprison, police, provide health and welfare benefits and build infrastructure for all unauthorized or illegal immigrants residing in their respective jurisdictions from the U.S. Government. Essentially, the United States Government must either enforce its laws or reimburse the states and localities for the expenses occasioned by its complete and utter failure to do so.
5. Private companies and labor unions are encouraged to use, when applicable, unfair competition statutes to litigate against any competitor gaining an unfair advantage by hiring illegal or unauthorized immigrants.
6. The City Council of the City of Lancaster is taking the following actions to discourage illegal and unauthorized immigration and to reduce its damaging and injurious effects on the citizens of this City:
 - a. Conducting studies and investigations to determine the full extent of the detrimental effects on the City of Lancaster and its citizens as a result of illegal immigration.
 - b. Working to insure that the City and all persons or companies contracting with the City are in complete compliance with federal laws and regulations concerning employment of only those persons who have the legal right to work in the United States.
 - c. City staff should endeavor, whenever possible and as duly authorized by law, to avoid assisting, except for those reasons enumerated above in Section 3, any illegal or unauthorized immigrant.
7. The City Manager shall send a certified copy of this Resolution to all appropriate County, State, and Federal officials.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2007, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

HENRY W. HEARNS
Mayor
City of Lancaster

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, _____, _____ City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original Resolution No. 07-41, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)
