TO: HONORABLE CITY COUNCIL
FROM: CITY MANAGER DEPARTMENT: COMMUNITY SERVICES
DATE: OCTOBER 20, 2008 CMR: 402:08

REPORT TYPE: BOARDS AND COMMISSIONS

SUBJECT: Policy and Services Committee and Human Relations Commission Recommendation to Adopt a Resolution Encouraging the U.S. Department of Homeland Security Immigration and Customs Enforcement Agency Under “Operation Return to Sender” to Enforce the U.S. Immigration and Customs Laws in a Manner That Complies With all Applicable Laws, Rules and Regulations, Including the Constitutional Protection Against Unreasonable Searches and Seizures (November 14, 2007)

RECOMMENDATION
The Policy and Services Committee and the Human Relations Commission (HRC) recommend that the City Council adopt a resolution encouraging the U.S. Immigration and Customs Enforcement Agency, under “Operation Return to Sender,” to enforce the immigration and customs laws in a manner that complies with all applicable laws, rules and regulations and the constitutional protection against unreasonable searches and seizures and is in accordance with principles of fair play and substantial justice.

BACKGROUND
At its November 14, 2007 meeting, the Policy and Services Committee voted unanimously (3-0) to recommend that the City Council adopt a resolution encouraging the U.S. Department of Homeland Security Immigration and Customs Enforcement Agency under “Operation Return to Sender” to enforce the U.S. immigration and customs laws in a manner that complies with all application rules and regulations and the constitutional protection against unreasonable searches and seizures.

The Policy and Services Committee asked how this resolution is pertinent to the City of Palo Alto. Council Member Drekmeier referenced a recent newspaper article that discussed immigration enforcement activities occurring in the City of Palo Alto and stated that the resolution contains references to local immigration issues.
COMMITTEE REVIEW AND RECOMMENDATION
The City Council, at its December 10, 2007 meeting discussed the resolution. Mayor Larry Klein stated his lack of support for the resolution. A motion was made to table the resolution and the City Council voted 5-4 in support of the motion.

A motion to agendize the discussion to Adopt a Resolution Encouraging the U.S. Department of Homeland Security Immigration and Customs Enforcement Agency Under “Operation Return to Sender” to Enforce the U.S. Immigration and Customs Laws in a Manner That Complies With all Applicable Laws, Rules and Regulations, Including the Constitutional Protection Against Unreasonable Searches and Seizures was made at the City Council’s September 8, 2008 meeting. The motion passed 6-3 to agendize the resolution for a future City Council meeting.

ATTACHMENTS
Attachment A: CMR 415:07
Attachment B: Minutes from the November 14, 2007 Policy and Services Committee
Attachment C: Minutes from the December 10, 2007 City Council Meeting

PREPARED BY: _________________________________________________________
KATHY ESPINOZA-HOWARD
Division Manager, Cubberley & Human Services

DEPARTMENT HEAD:____________________________________________________
GREG BETTS
Director of Community Services

CITY MANAGER APPROVAL:______________________________________________
JAMES KEENE
City Manager