Attachment 5

ORDINANCE NO. 2018-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADDING CHAPTER 9.30 CONSTITUTION OF THE UNITED STATES COMPLIANCE

WHEREAS, the members of the City of Los Alamitos City Council have taken an oath to support and defend the Constitution of the United States and the Constitution of the State of California, and

WHEREAS, the State of California enacted SB54, called the California Values Act, and

WHEREAS, the California Values Act is codified into Government Code Title 1, Division 7, Chapter 17.25 entitled "Cooperation with Immigration Authorities", and

WHEREAS, the Council of the City of Los Alamitos, a Charter City, finds that it is impossible to honor our oath to support and defend the Constitution of the United States and to be in compliance with California Government Code Title 1, Division 7, Chapter 17.25, and

WHEREAS, employees of the City of Los Alamitos, residents, business owners, guests, visitors, employees and employees of the United States Department of Defense who proudly serve our Nation while stationed on the Joint Forces Training Base, are entitled to the protections afforded by the Constitution of the United States, the Bill of Rights, and the Amendments to the Constitution, and

WHEREAS, employers, including the City of Los Alamitos, operating within the jurisdiction of the City of Los Alamitos who accept Federal Contracts and must comply with Federal Law, including lawful requests for access to premises, and

WHEREAS, the entire Joint Forces Training Base may be required to comply with Federal Laws and is wholly located within the boundaries of the City of Los Alamitos, and

WHEREAS, the California Values Act may be in direct conflict with Federal Laws and the Constitution of the United States;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Los Alamitos, California finds that the above recitals are true and correct and incorporates them by reference herein.

SECTION 2. Chapter 9.30 Constitution of the United States Compliance is hereby added to the Los Alamitos Municipal Code as follows:

9.30 Constitution of the United States Compliance
The City of Los Alamitos, a Charter City, does hereby exempt the City of Los Alamitos from the California Values Act, Government Code Title 1, Division 7, Chapter 17.25 and instead will comply with the appropriate Federal Laws and the Constitution of the United States.

SECTION 3. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 16th day of April, 2018.

_____
Troy D. Edgar, Mayor

ATTEST:

_____
Windmera Quintanar, CMC, City Clerk

APPROVED AS TO FORM:

_____
Michael S. Daudt, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LOS ALAMITOS)

I, Windmera Quintanar, CMC, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. 2018-03 was duly introduced and placed upon its first reading at a regular meeting of the City Council on 19th day of March, 2018, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 19th day of April, 2018, by the following roll-call vote, to wit:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
Windmera Quintanar, CMC, City Clerk