

# Opinion: El Dorado County and SB54

By Don Ashton and Michael Ciccozzi

The El Dorado County Board of Supervisors has closely followed the issues surrounding Senate Bill 54, which is known as The California Value Act. SB54 made numerous amendments to state law and has been criticized for infringing local law enforcement's ability to collaborate with federal immigration officials. While the key conflict surrounding SB54 remains between the federal and state governments, the county remains concerned with how SB54 may affect its ability to carry out its law enforcement responsibilities in the most effective means possible.

The Board of Supervisors also understands that the alleged conflicts between state and federal law involves complex issues that cannot be meaningfully assessed by the county without the expenditure of significant staff time and resources to analyze the intricacies of SB54 and federal immigration law. Objective analysis of the complex legal issues is expected in the near future.

Specifically, the United States has sued the state of California in federal court claiming that SB54 violates the Supremacy Clause of the United States Constitution. The United States moved to enjoin California from enforcing SB54, and this motion will be heard by the federal District Court on June 20. The decision on the United States' motion for preliminary injunction will require the court to evaluate the merits of the United States' challenge to SB54 and other state "sanctuary" laws (AB450 and AB103).

The Board of Supervisors also understands that Orange County recently sought to intervene in the federal lawsuit, and

Orange County's motion to intervene is set to be heard June 5. As Orange County's motion to intervene demonstrates, intervention is a complicated legal issue and seeking intervention would require the expenditure of significant county resources. Instead of expending limited resources at this time and taking away from other pressing county projects, the Board of Supervisors believes the more prudent avenue is to await the upcoming guidance from the court on whether a county is a proper party to the federal lawsuit.

Another more limited option to present the county's perspective in the federal lawsuit would be to file a "friend of the court" brief. At this time, five such amicus briefs have been filed, and the federal court indicated that any additional "duplicative or cumulative arguments will not be considered." Because the motion for preliminary injunction will be heard in less than two months, any such brief would also be untimely. The county will continue to watch the federal lawsuit and evaluate whether such a brief in support of a future motion or appeal would be a prudent expenditure of county resources.

*Don Ashton is chief administrative officer for El Dorado County and Michael Ciccozzi is county counsel.*