

Supervisors vote to join amicus brief in immigration case

By Anne Ternus-Bellamy From page A5 | February 24, 2016

A divided Board of Supervisors voted Tuesday to join an amicus brief in support of two immigration programs created by the Obama administration in a case currently before the U.S. Supreme Court.

Supervisors voted 3-1-1 to join other local governments in support of the Deferred Action for Parents of Americans and Deferred Action for Childhood Arrivals programs, both of which were created by executive order but were later successfully challenged in court by the state of Texas (joined by 25 other states).

Together, the two programs provide relief from deportation to about 4 million undocumented immigrants who have been in the country since 2010 and who have children who are citizens or permanent residents or who came to the United States as children and meet certain educational requirements.

A lower court issued a preliminary injunction blocking implementation of the programs and the U.S. Supreme Court agreed in January to review the case.

In the meantime, a coalition of local governments across the country have signed an amicus brief in support of the administration and the two programs, including the city of Davis and the counties of Los Angeles, Santa Clara, Santa Cruz and Sonoma.

The brief, expected to be filed with the court in March, extols the local benefits of the programs, namely keeping families together and strengthening local communities and economies.

On Tuesday, Supervisors Jim Provenza and Don Saylor of Davis were joined by Supervisor Duane Chamberlain of the rural 5th District in voting to have Yolo County sign the brief. Supervisor Matt Rexroad of Woodland voted against it and Supervisor Oscar Villegas of West Sacramento abstained.

Provenza noted that the board rarely weighs in on Supreme Court briefs but said in this case, “this is a Supreme Court decision that will directly affect residents of our communities.”

Provenza said his district includes the Royal Oaks mobile home park “where there are children who have lived here most of their lives who are subject to immediate deportation

without this program, where families can be torn apart” if the child is a legal resident and his or her parents are not.

“Most of these residents don’t vote,” Provenza said, “but they are our responsibility. It’s one of those rare occurrences where we should do the right thing and sign on to a brief.”

County Counsel Phil Pogledich estimated about 4,000 people in Yolo County are eligible for the Deferred Action for Parents of Americans program and another 1,500 for the Deferred Action for Childhood Arrivals program.

There are about 500 U.C. Davis students affected by the Deferred Action for Childhood Arrival act, Saylor said, “and their educational future would be somewhat under a cloud if the Supreme Court were to uphold the lower court’s decision.”

“I do feel it’s appropriate for us to join in this brief for the people who live in Yolo County,” he added.

Rexroad, who had urged his colleagues not to even take up the issue on Tuesday, disagreed.

“We’ve done a really good job in Yolo County over the years of not getting involved in issues that are ... extraneous to Yolo County government,” he said.

Rexroad cautioned against embarking down a “slippery slope with never-ending consequences” where the county gets involved in issues that are not a good use of staff or board time.

Noting that the county hasn’t gotten involved until now, Rexroad said, “It doesn’t impact Yolo County directly that much. It’s never met our threshold before ... This is all about politics today. I don’t think it has anything to do with board policy on behalf of Yolo County.”

“I really strongly disagree with that,” Provenza replied during a briefly heated exchange. “Our ... constituents can be deported, people who go to school here, people who attend the university here, people who are in our community. We don’t weigh in on everything, but this is something where we can have an impact.”

“It has nothing to do with the election,” Provenza added, “it has to do with a Supreme Court decision that’s going to result in the deportation of our citizens.”

“Almost every issue in front of the Supreme Court impacts members of our community ... and we don’t get involved in any of those others,” Rexroad countered. “Yet for some reason this one is special among all those others? I don’t think so.”

“I don’t know of anything else that’s resulted in my constituents being picked up, thrown into custody and then thrown out of the country as much as this decision would result in,” Provenza replied.

The fact that the board rarely if ever takes a stand on a Supreme Court case and, in fact, has no policy in place on when to do so, led Pogledich to make no recommendation on whether the board should sign on to the amicus brief or not.

That lack of a policy also prompted Villegas to abstain from voting.

“I agree with the reason and rationale,” he said, “but ... I would prefer we do this individually in the absence of a countywide policy.”

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