

**San Diego Association of Governments**  
**BORDERS COMMITTEE**

November 19, 2004

AGENDA ITEM NO.: **1b**

**Action Requested: APPROVE**

**BORDERS COMMITTEE DISCUSSION AND ACTIONS SPECIAL SESSION ON NEW CALIFORNIANS MEETING OF SEPTEMBER 9, 2004**

The Special Session on New Californians was called to order by Committee Chair Crystal Crawford (North County Coastal) at 3:11 p.m. The attendance sheet for the meeting is attached.

**1. WELCOME AND INTRODUCTIONS**

Chair Crawford thanked and welcomed the guests for attending. She announced that the regularly scheduled meeting of the Borders Committee, to be held on Thursday, September 30, 2004, could potentially be cancelled. Details will be forthcoming.

**2. PUBLIC COMMENTS/COMMUNICATIONS**

Thomas Buckley (Riverside County) commented that March Air Force Base (AFB) will be converted into a Homeland Security Center, which will eliminate the site from being considered as a passenger terminal. However, cargo and freight will still be transported. He added that there is a proposal to link March AFB and San Diego together, and provided a report to the Borders Committee Chair on this issue.

**3. REPORT FROM THE LITTLE HOOVER COMMISSION ON NEW CALIFORNIANS (INFORMATION)**

Chair Crawford noted that she requested that Mayor Pro Tem Monroe, a member of the Borders Committee, be the facilitator for today's meeting.

Mayor Pro Tem Monroe (City of Coronado) pointed out that this issue was originally brought to the SANDAG Executive Committee by Councilmember Jack Feller (Oceanside). The Executive Committee referred the issue to the Borders Committee for discussion at one of its meetings. In April 2004, the Borders Committee discussed this issue and tasked a group of its members to further investigate this issue. Mayor Pro Tem Monroe indicated that today the Borders Committee will hear from Mitch Mitchell and Toby Ewing, representatives from the Little Hoover Commission (LHC). The Little Hoover Commission, formally known as the Milton Marks "Little Hoover" Commission on California State Government Organization and Economy, is an independent state oversight agency that was created in 1962. Its mission is to investigate state government operations and - through reports, recommendations and legislative proposals - promote efficiency, economy, and improved service. By statute, the Commission is a balanced

bipartisan board comprised of five citizen members appointed by the Governor, four citizen members appointed by the Legislature, two Senators, and two Assembly members.

Mitch Mitchell, member of the LHC and Vice President of Public Policy with the San Diego Regional Chamber of Commerce, thanked Mayor Pro Tem Monroe for the introduction. Mr. Mitchell noted that he has been with the Commission since early 2004. He introduced Toby Ewing, staff member of the LHC and project manager for this particular report, "We the People: Helping Newcomers Become Californians," which will be presented to the Committee today. He noted this region needs to figure out the best approach to handle the issue of facilitating the process of migrant inclusion in our communities in California. There has to be some effort to move people to become citizens and residents of the United States. He commented that the report goes a long way to discuss areas of concern related to this issue. Mr. Mitchell then turned the floor over to Mr. Ewing to present the report to the Committee.

Toby Ewing, LHC Project Manager, mentioned that reports are written so that they are readable, understandable, and thought-provoking. He thanked the Committee for being willing to discuss this issue. He indicated that the report was written for several reasons: (1) the Governor's Office wanted to discuss the economics of immigrants becoming California citizens; and (2) those that are not directly related to the social services system need identification of who will pay for social services. Mr. Ewing noted that these are challenging discussions for the Commission. The Commission wanted to investigate policies that relate to immigrants in general, regardless of legal status. The report was adopted unanimously by the Commission. The Commission recommended that there should be a bar set—which should not be based on legal status, but rather willingness to become a contributing member of a community. He commented that Assemblymember Juan Vargas requested that his staff review the report and then draft legislation on this issue. However, the legislation did not move forward. Mr. Ewing provided the Committee with an overview of the Commission's report and explained the key components.

Mr. Ewing noted that there are many federal challenges with documenting immigrants. The process for documentation is complex and has a significant impact on states. The Commission took the stand that immigration matters within the state of California. It also was determined that federal policy does not work for the state of California. The Commission noted that immigration needs to be fixed—especially in the State of California. The Commission identified that it cannot change federal policy—so what can it do? He highlighted issues involving immigrants, such as key tensions, the value of integration, barriers to integration, the principles to guide policy, and the role of the state in this process. The Commission wanted to shift the attention from what is to be done about undocumented immigrants to what the Commission wants to accomplish through public policy with regard to immigrants. The Commission focused on what is being done with the immigrant population when they are here, rather than how they got here. There is a lot of confusion and complexity regarding who is eligible for what benefits and how the State of California responds to this issue. The Commission also recognizes that there should be some expectations and responsibilities in the public sector regarding this issue. It is important to reward citizenship in the region. The Commission asked whether citizenship matters. There is no requirement that if you become a permanent resident you have to become a citizen. Based on its findings, the Commission recommended the creation of a Golden State Residency Program (GSRP). The GSRP is for people who have demonstrated that they want to become contributing members of their local

community. Eligibility for the GSRP would be for all immigrants, whether documented or undocumented. He summarized his points and asked the Committee members if there were any questions.

### Discussion

Mayor Pro Tem Monroe (City of Coronado) thanked Mr. Ewing for the overview. He asked what type of taxes undocumented immigrants pay. *Mr. Ewing responded that the Internal Revenue Service is not concerned with the legal status, only with tax dollars. Many undocumented migrant workers pay taxes with a special identification number, and the Social Security Fund is holding these taxes in trust. It is estimated that approximately 30 percent of the filings in this trust originated in California.*

Mayor Pro Tem Monroe questioned if barriers between countries are up in Europe. *Mr. Ewing noted that the populations in the member countries of the European Community move about quite fluidly, as they have a common passport and collaborative labor laws.*

Councilmember Jim Bond (San Diego County Water Authority) also thanked Mr. Ewing for his insight. He pointed out that the Commission has done a good job identifying problems and possible solutions; however, the implementation is lacking. What can realistically be done? *Mitch Mitchell commented that part of the problem is that solutions require cooperation between government offices, which has been challenging.*

Mr. Ewing noted that this is a perennial problem for the Commission, as well as for those who have taken the Commission's recommendations to heart. The role of the Commission is one of fact finding and making policy recommendations. It is then the role of other agencies and constituencies to adopt the policy recommendations. The Commission has sponsored legislative bills, but they require a significant base of support. He indicated that he was uncertain what local governments can do to help this process along.

Mr. Mitchell noted that there needs to be some ownership in the state legislature. He pointed out that there are migrant camps in North San Diego County. The conditions under which these workers live are unhealthy, unsafe, and inhumane.

Rosemary Johnston (Interfaith Coalition for Immigrant Rights) asked if there was any information on immigrants established in the Los Angeles area. *Mr. Ewing responded that some counties have responded, but have not responded in a way that would produce an end result.*

Staff noted that undocumented immigrants contribute to the economy and asked if the Commission looked at other alternatives such as creating a guest-worker program or a process that allows for the immigrants to work in San Diego and live in Mexico. *Mr. Ewing noted that the Commission did not investigate alternatives because that was not what the report was focusing on. The state needs to develop a process that would allow for the "out of the box" type of thinking. The Commission noted that the State needs to be thoughtful. The GSRP proposal was intended to serve as an interim approach before future policies were developed.*

Pedro Orso-Delgado (Caltrans) stated that there are communities in Mexico that are populated by women and children who do not get to see the men in their families, because they come to the United States to work and cannot go back to Mexico. The immigration reforms of the early 1990s have made it very difficult for men working in seasonal jobs here to continue circular migration. Instead, they have to either leave their families or bring them with them. Immigrant labor is an important component of our economy. The problem of how to become a legal immigrant who contributes to the economy needs to be resolved.

Councilmember Bond (San Diego County Water Authority) commented on the completeness of the report and indicated that even though the solution is provided, the way to get there is not identified. The region needs to move forward toward that answer.

Councilmember Ritter (North County Coastal) added that becoming a U.S. citizen is expensive.

Mr. Mitchell commented that the big issues should be a priority, and used the process of obtaining a SENTRI Pass (Secure Electronic Network for Travelers Rapid Inspection) as an example. The San Diego region does not do a strong enough job of demanding more from federal officials in terms of adequate resources.

Staff replied that this situation is broader than just the San Diego region. California's biggest strength is diversity in the state, which also is its biggest weakness. There is an uphill battle when going to Washington, D.C. to lobby for federal funds. There needs to be a united front. The counter example of Texas was raised. Texas counties and councils of government lobby Washington in coordination with one another.

Councilmember Buckley (Riverside County) mentioned that many Congressional members think that California gets too many concessions. But, he added, it is very important to create and develop a citizenship track. The line between legal and illegal is not what it is being made out to be. If it does not matter whether or not an undocumented immigrant is legal, what is the incentive to become legal? Moving toward increasing citizenship and providing benefits for achieving that goal is good, but there should be some consequences to not achieving that goal. *Mr. Ewing responded that the Commission clearly states that if progress for the undocumented immigrant to obtain citizenship is not being made, then services will not be provided.*

Councilmember Gallo (City of Escondido) stated that what needs to be done is to remove the stigma between legal and illegal immigrants. We need to provide the incentive to become a citizen. He added that if the guest-worker program was implemented, it would eliminate the need to try to track undocumented immigrants. *Mr. Ewing replied that it is the Commission's goal to force the state to take action on this issue.*

Rosemary Johnston (Interfaith Coalition for Immigrant Rights) pointed out that there are several cross-border organizations that have discussed this issue. She is glad that the region is finally looking at itself as the San Diego-Tijuana region. She noted that the guest-worker program is not going to work because there is a lot of mistrust between agencies in the region. She concluded that the region can prepare for what is going on and acknowledge it, or it can do nothing and continue to be in denial.

Javier Diaz (Mexican Consulate) noted that regarding this issue, population and demographics should be considered. He noted that when the Mexican government looks to find a solution, it is more of a short-term solution. It is a tragedy that Mexican citizens are willing to lose their lives to enter the United States. He pointed out that this issue is not working for Mexico either because Mexico is losing its work force and families. Another by-product of illegal immigration is the rise in human trafficking. *Mr. Ewing indicated that the deliberation in California needs to be about the long-term investment in human capital and the payoff for the state's economy and communities. The bulk of studies being done are regarding immigration policy, not the end result.*

Councilmember Crawford reminded the group about a comment from Dr. Robert Bach that the region needs to develop local solutions and present them to the federal government. We hope that this meeting will result in some bottom-up solutions that can be developed and implemented and be taken to the state or federal government for assistance. She expressed concern that the Commission's report will not be implemented and raised concerns regarding citizenship. More people could become citizens if they were encouraged to have legal status as opposed to requiring citizenship. She added that there needs to be respect for self-reliance, and the residents in the San Diego region need to find a way to live with that. *Mr. Ewing commented that the Commission writes reports without a lot of detail to allow for communities to include what they like. He added that good public policy typically comes from the communities and is then brought to the lawmakers for implementation. It is the Commission's opinion that promoting citizenship would be staking a claim in the region.*

Elsa Saxod (COBRO) noted two things: (1) people that feel a sense of ownership and belonging are moving forward with becoming citizens; and (2) although the undocumented immigrants that cross into the United States are breaking the law, so are the employers who are hiring them. The point that needs to be remembered is that everyone is breaking the law.

Councilmember Buckley (Riverside County) stated that if laws regarding undocumented immigrants are going to be enforced, then both the employer and the worker should be penalized.

Pedro Orso-Delgado (Caltrans) commented that the country will be severely impacted if it loses the undocumented immigrant workforce.

Virginia Gengor (Border Patrol) added that Mexican citizens do not have to give up their citizenship to become United States citizens.

Mayor Pro Tem Monroe (City of Coronado) stated that the Committee should focus on one or two high-visibility programs and go from there.

Mario Lopez (Office of Congressman Bob Filner) thanked the Borders Committee for addressing this difficult subject. He challenged SANDAG to move forward and find solutions for this issue. He added that people in the region are not unified on this subject. However, SANDAG can facilitate a discussion of this issue in the region.

Councilmember Buckley pointed out that in Lake Elsinore, any resident can be appointed to positions on committees and commissions. They do not have to be citizens. He added that there are resident aliens on some of his Commissions and Boards.

Mr. Ewing stated that if criteria for services are established, the appropriate funds have to be available. The point here is not to create unfunded mandates.

Chair Crawford thanked Mr. Ewing for sharing his knowledge with the Committee and also thanked Mayor Pro Tem Monroe for facilitating the meeting.

#### 4. ADJOURNMENT

The meeting was adjourned at 4:54 p.m.