

# **Orange to work on day-labor issues Council to discuss options including permits and increased enforcement at sites.**

By COURTNEY BACALSO  
The Orange County Register

ORANGE – The Orange City Council today will discuss a far-reaching, multipronged approach to dealing with the problems surrounding day laborers in the city.

Among the proposals: having day laborers obtain and display a permit issued by the city.

In a report obtained by The Orange County Register, City Attorney David DeBerry is urging changes in the way the city-operated day-labor Resource Center operates and increasing enforcement at sites around the city where day laborers solicit work.

DeBerry's report says 80 percent of the workers who use the Resource Center do not comply with federal immigration laws and that many are from outside the city. The report says workers come from Anaheim and Santa Ana because the Orange center is less crowded and the pay is better.

DeBerry also cites problems he says the laborers create around the city, from public urination to gambling on sidewalks. Among his proposals is one requiring workers and those who allow them to congregate on their property to get and display permits. Two forms of identification would be required to obtain the permit to make sure federal immigration laws are followed.

"I want to make it clear that we aren't condoning the solicitation of work," Orange Mayor Carolyn Cavecche said. "Because of federal laws, our hands are tied and we are looking to ways to solve the problems caused by these large groups of men gathering on our streets. Since our federal government can't do their job, we at the local level are left with finding solutions to the effects of that."

Said Jorge-Mario Cabrera of the National Alliance of Latin American and Caribbean Communities: "My concern with special card or ID is that it may drive people further underground, and you might have more instances where there are conflicts between the neighbors and residents. I hope the city has more consciousness than that and thinks through its options. I believe it's unjust."

The report comes after Councilman Denis Bilodeau expressed concerns about the city's \$30,000-a-year support of the Resource Center, a small, temporary structure on McPherson Street just off Chapman Avenue. Bilodeau had visited

the center and said he noticed that child-care services were being offered but no identification was required for the workers and no background checks were being done.

The city has since stopped the center from offering child care.

DeBerry's report is the result of meetings with Cavecche, police and code-enforcement officers who have had discussions with business owners affected by the problem.

### **Center as problem solver**

The center opened in 1990 with the intention of keeping day-labor activity in one location – and off private property and city streets. After 17 years, the report says, the center has not solved any of those problems.

“And it was real apparent to me that the center is not making a dent in our day-laborer problem,” Bilodeau said. “In my year on council, this is the issue we get the most complaints about from our residents and business owners.”

The report says that in 2005, the Orange Police Department issued 350 citations for solicitation violations. In 2006, 384 were issued. Despite the number of citations, complaints about day laborers have outpaced the Police Department's ability to respond. Many businesses reportedly don't call any longer because by the time the police arrive, the day laborers have left.

Complaints include day laborers making lewd gestures, “kissy faces,” blocking driveways, looking into cars when a shopper enters a store, and jaywalking.

The city employed the investigative firm First Legal to research the issue in Orange and to conduct a customer survey of 109 people and nine affected businesses.

First Legal found that half the customers it surveyed said they felt less safe at stores where day laborers congregated. One-third of the customers said they had been approached by day laborers or had something offensive said to them. One-third said they altered shopping habits to avoid day laborers, and 40 percent had seen workers drink, litter or urinate in public.

One gas station owner on Tustin Street says that every day he has to hose the urine off the side of his building near The Home Depot.

### **Solicitation protected**

DeBerry's report notes that day-labor solicitation is commercial speech that is constitutionally protected, but that the city can impose "reasonable time, place and manner" regulations.

The report says that a few businesses in Orange may welcome – or don't complain – about day laborers on their property, but that the practice sometimes has a negative effect on nearby businesses, traffic and criminal activity.

The city opened its Resource Center in 1990, and then-Mayor Don Smith announced that 1,008 male workers and 80 female workers had registered to work and 44 people had already found full-time jobs. Within months, attendance at the center began to drop. In May 2005, in an effort to attract more workers to the center, the identification requirement was dropped. In 2005-2006, according to the city's Community Services Department, about 25 workers a day used the center.

The city must keep the Resource Center open, said Cavecche, to satisfy the courts and give workers an authorized place to congregate.