

Legislation Text

File #: #17-0089, Version: 1

PREPARED BY: MATT RODRIGUEZ

DATE OF MEETING: 03/06/17

SUBJECT:

COUNCIL CONSIDERATION TO AMEND RESOLUTION 2007-056 - COMPREHENSIVE IMMIGRATION REFORM AND FEDERAL IMMIGRATION ENFORCEMENT

CITY MANAGER RECOMMENDATION

On January 31, 2017, the Public Safety Standing Committee (Calloway/Morris) voted to forward an amended DRAFT Resolution introduced by the Standing Committee to potentially update existing City Council Resolution 2007-056 for City Council consideration. On February 21, 2017, the City Council voted by minute action to continue this agenda item until the March 6, 2017 City Council meeting. The City Manager awaits further direction by the City Council by majority vote.

COMPLIANCE STATEMENTS

FY 2015-17 Council Priority Workplan Compliance Statement

Multi-Cultural Awareness & Appreciation and Public Safety are major policy goals, and *Immigration Integration Legislation, Projects & Services* are adopted policies contained in the FY 2015-17 Council Priority Workplan, effective October 1, 2016.

CEQA Compliance Statement

This is not a project as defined by CEQA.

BACKGROUND

On May 7, 2007, the San Pablo City Council adopted Resolution 2007-056 that reaffirmed the San Pablo Police Department's general order outlining its obligations with regard to Immigration and Customs Enforcement (ICE) authority. Under this adopted policy, the City Council continues to resolve that enforcement of immigration law is a federal matter and as stewards of the taxpayer's money, it is not the role of city government to participate in this federal enforcement. Additionally, the City Council reaffirmed its support for comprehensive immigration reform that is fair. This standing City Council policy has been effect for nearly 10 years (see attachment).

Public Safety Standing Committee

On January 30, 2017, the Public Safety Standing Committee (Calloway/Morris) discussed the City Council's current and ongoing adopted policy for the San Pablo Police Department pursuant to Resolution 2007-056 in the wake of President Trump's Executive Order: *Enhancing Public Safety in the Interior of the United States* issued on January 25, 2017. In addition, the Standing Committee acknowledged information from the League of California Cities and their statement on Immigration issued on January 25, 2017 supporting all California cities (see attachment).

Amended DRAFT Resolution Consideration

Following Standing Committee discussion, an amended DRAFT Resolution was introduced for

consideration by the Standing Committee as a potential amendment to the existing Resolution 2007-056 (see attachment). The Standing Committee voted (2-0) to submit this amended DRAFT Resolution for formal City Council consideration at their next regular meeting on February 21, 2017. After public comment and discussion at the City Council meeting on February 21, the matter was continued to the next Council meeting. Included with this action was the City Council's decision by majority vote to include recommended language from the City Manager which references current adopted policies as contained in the FY 2015-17 Council Priority Workplan, effective October 1, 2016. Additionally, for ease of City Council review, the City Manager has blended the previously adopted #2007-056 Resolution and the newly revised DRAFT Resolution from the February 21st Council deliberation, and highlighted all revisions for City Council review (See attached revised DRAFT Resolution).

Related State CA Legislation

On December 5, 2016, Senate Bill 54 (D-De Leon; D-Pan) was introduced as "The California Values Act" to address the immigration issues facing many California communities, as follows:

Bill Summary: SB 54, the California Values Act, will provide essential safeguards to ensure that police, schools, hospitals and courts remain accessible to Californians from all walks of life and that California's limited resources are directed to matters of greatest concern to state and local governments. A relationship of trust between California's immigrant residents and our state and local agencies, including police, schools, and hospitals, is essential to carrying out basic state and local functions. That trust is threatened when state and local agencies are involved in federal immigration enforcement.

1. State and local law enforcement agencies and school police and security departments will not engage in immigration enforcement. No state or local resources will be used to investigate, detain, detect, report, or arrest persons for immigration enforcement purposes. And regardless of whether state or local resources are implicated, no state or local law enforcement agency will detain or transfer any person for deportation *without a judicial warrant*.
2. State and local resources will not be used to facilitate the creation of a national registry based on religion or other protected characteristics.
3. State agencies will review their confidentiality policies in order to ensure that eligible individuals are not deterred from seeking services or engaging with state agencies. State agencies shall not collect or share information from individuals unless necessary to perform agency duties.
4. California schools, hospitals, and courthouses will remain safe and accessible to all California residents, regardless of immigration status. Each shall establish and make public policies that limit immigration enforcement on their premises to the fullest extent possible consistent with federal and state law.

If the SB 54 legislation is adopted by the State of California Legislature, and subsequently signed into law by the Governor, then the City Council would need to possibly consider amending its current

adopted Resolution #2007-056, or any future resolution, to be compatible with any new state law, and its requirements.

FISCAL IMPACT

None associated with this action.

Attachments:

1. Draft Amended Resolution (Introduced by Public Safety Standing Committee meeting on 01/30/17 & includes City Manager recommended language from 02/21/16 City Council discussion);
2. City Council Staff Report and Resolution 2007-056
3. League of CA Cities Statement dated 01/25/17 on Immigration Issues for CA Cities
4. SB 54 (D-De Leon; Pan) Amended as of 1/27/17