

RESOLUTION NO. NS-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ RELATING TO THE CITY'S PROCEDURES CONCERNING FEDERAL IMMIGRATION LAW AND REAFFIRMING ITS DECLARATION OF THE CITY OF SANTA CRUZ AS A SANCTUARY FOR ALL ITS RESIDENTS

WHEREAS, the City of Santa Cruz has long embraced and welcomed individuals of diverse racial, ethnic, religious, and national backgrounds, including a large immigrant population; and

WHEREAS, the City of Santa Cruz welcomes, honors, and respects the contributions of all of its residents, regardless of their immigration status; and

WHEREAS, immigrants and their families in Santa Cruz contribute to the economic and social fabric of the City by establishing and patronizing businesses, participating in the arts and culture, and achieving significant educational accomplishments; and

WHEREAS, fostering a relationship of trust, respect, and open communication between City officials and residents is essential to the City's mission of delivering efficient public services in partnership with our community, which ensures public safety, a prosperous economic environment, opportunities for our youth, and a high quality of life for residents; and

WHEREAS, the City of Santa Cruz seeks to continue to foster trust between City officials and residents to protect limited local resources, to encourage cooperation between residents and City officials, including law enforcement officers and employees, and to ensure public safety and due process for all; and

WHEREAS, in recognition of the City's continued commitment to the equal, respectful, and dignified treatment of all people, the City Council, on January 10, 2017, adopted Resolution No. NS-29,187—a Resolution of the City Council of the City of Santa Cruz to Maintain Trust and Safety for Local Immigrants, calling for certain actions by the City relative to the administration and enforcement of federal immigration law, which is the exclusive authority of the federal government, and directing staff to return to the City Council with further measures based on comments from Councilmembers and the public at its January 10, 2017 meeting; and

WHEREAS, the City now wishes to enact specific procedures consistent with Resolution No. NS-29187 and the City's commitment to social justice and inclusion.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Santa Cruz City Council reaffirms the declaration that Santa Cruz is a Sanctuary City for immigrants from all countries; and
2. That it is the policy of the City of Santa Cruz that:

- a. City employees including members of the Santa Cruz Police Department shall not enforce Federal civil immigration laws or use city monies, resources or personnel to investigate, question, detect, apprehend or question a person on the basis of his or her immigration status except as provided in this resolution; and
 - b. That no City agency, department, officer, employee, or agent shall disclose information about a person's immigration status except as authorized by this resolution; and
 - c. That no City agency, department, officer, employee, or agent shall disclose information about a person's immigration status except as authorized by this resolution; and
 - d. That no City agency, department, officer, employee, or agent shall use City funds, resources, facilities, property, equipment, or personnel (collectively "City resources") to assist in the enforcement of federal immigration law, unless such assistance is required by any valid and enforceable federal or state law, including, but not be limited to, using City resources for the purpose of:
 - i. identifying, investigating, arresting, detaining, or continuing to detain a person solely on the belief that the person is not present legally in the United States or that the person has committed a violation of immigration law;
 - ii. assisting with or participating in any immigration enforcement operation or joint operation;
 - iii. arresting, detaining, or continuing to detain a person based on any immigration detainer or federal administrative warrant, when such immigration detainer or administrative warrant is based solely on a violation of federal immigration law, or otherwise honoring any such detainer, warrant, or request to detain, interview, or transfer;
 - iv. notifying federal authorities about the release or pending release of any person detained for immigration purposes;
 - v. providing federal authorities with non-public information about any person's immigration status for immigration enforcement purposes; and
 - vi. enforcing any federal program requiring the registration of individuals on the basis of religious affiliation or ethnic or national origin.
3. Nothing in herein shall prevent the City, including any agency, department, officer, employee, or agent of the City, from lawfully discharging his or her duties in compliance with and in response to a lawfully issued judicial warrant or subpoena. In addition, the restrictions of policy shall not apply: (i) where the individual to whom such information pertains provides his or her consent to disclosure of such information (or if such individual is

a minor, the consent of that person's parent or guardian); (ii) where disclosure of such information is necessary to provide a City service; (iii) to actions taken or disclosures made as necessary to prevent an imminent threat to public health or safety; or (iv) as otherwise required by state or federal law or judicial decision.

4. That nothing contained herein shall be construed or implemented to conflict with any valid and enforceable duty and obligation imposed by a court order or any federal, state or otherwise applicable law; and
5. That the policies established by this resolution shall not be construed or implemented so as to conflict with any obligation imposed by state or federal law; and
6. That this resolution shall not create or form the basis of liability on the part of the City, its agencies, departments, officers, employees, or agents. It is not intended to create any new rights for breach of which the City is liable for money or any other damages to any person who claims that such breach proximately caused injury. The exclusive remedy for violation of this ordinance shall be through the City's personnel policies and procedures for employees under applicable City regulations.
7. That this resolution shall be disseminated to all departments of the City, whose respective administrative policies shall be modified as necessary to ensure consistency herewith.
8. That this resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED THIS ____ day of _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Cynthia Chase, Mayor

ATTEST: _____