

ORDINANCE NO. 2017-06

AN UNCODIFIED ORDINANCE 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

THE CITY COUNCIL OF THE CITY OF SANTA CRUZ DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Santa Cruz hereby finds, determines, and declares as follows:

A. The City of Santa Cruz has long embraced and welcomed individuals of diverse racial, ethnic, religious, and national backgrounds, including a large immigrant population.

B. The City of Santa Cruz welcomes, honors, and respects the contributions of all of its residents, regardless of their immigration status.

C. 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.

D. 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.

E. 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.

F. 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. This resolution called 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.

G. The City now wishes to enact specific procedures consistent with Resolution No. NS-29,187 and the City's commitment to social justice and inclusion.

Section 2. Purpose and Intent. The purpose of this ordinance is to reaffirm the City of Santa Cruz's status as a sanctuary City and to establish the City's procedures concerning immigration status and enforcement of federal civil immigration laws.

Section 3. Requesting or Maintaining Information Prohibited. No City agency, department, officer, employee or agent shall enforce Federal civil immigration laws, request or maintain information concerning a person's immigration status, 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 ordinance.

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Section 4. Disclosing Information Prohibited. No City agency, department, officer, employee, or agent shall disclose information about a person's immigration status except as authorized by this ordinance.

Section 5. Use of City Resources Prohibited. 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:

- (a) 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;
- (b) assisting with or participating in any immigration enforcement operation or joint operation;
- (c) 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;
- (d) notifying federal authorities about the release or pending release of any person detained for immigration purposes;
- (e) providing federal authorities with non-public information about any person's immigration status for immigration enforcement purposes; and
- (f) enforcing any federal program requiring the registration of individuals on the basis of religious affiliation or ethnic or national origin.

Nothing in this Section 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.

Section 6. Exceptions. 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 this ordinance 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.

Section 7. Ordinance Not to Conflict with Federal Law. Nothing in this ordinance 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.

Section 8. No Private Right of Action. This ordinance does 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.

Section 9. Notification. Except as described below, the Chief of Police, or designee, shall notify City Councilmembers, via electronic mail, of immigration enforcement activities that occur within the City of Santa Cruz as soon as practical following the immigration enforcement. The timeliness of the notification shall not jeopardize the integrity of the federal investigation or the safety of the federal law enforcement personnel. The notification specified in this section shall not apply when:

- (a) the person is arrested for any crime unrelated to immigration status; or
- (b) the Chief of Police, or designee, has no knowledge of ICE enforcement activities.

Section 10. Dissemination. This ordinance shall be disseminated to all departments of the City, whose respective administrative policies shall be modified as necessary to ensure consistency herewith.

Section 11. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Cruz hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions were to be declared invalid or unconstitutional.

Section 12. Effective Date. This ordinance shall take effect and be in full force thirty (30) days after its final adoption.

PASSED FOR PUBLICATION this 28th day of February, 2017, by the following vote:

AYES: Councilmembers Krohn, Mathews, Watkins, Brown, Noroyan; Vice Mayor Terrazas; Mayor Chase.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: ss/Cynthia Chase, Mayor

ATTEST: ss/Bren Lehr, City Clerk Administrator

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PASSED FOR FINAL ADOPTION this 14th day of March, 2017 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Cynthia Chase, Mayor

ATTEST: _____
City Clerk Administrator

This is to certify that the above
and foregoing document is the
original of Ordinance No. 2017-06
and that it has been published or
posted in accordance with the
Charter of the City of Santa Cruz.

City Clerk Administrator