

ATTACHMENT 1

Draft Ordinance

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ORDINANCE NO. 2017-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA
TO COMPLY WITH THE REQUIREMENTS OF THE CALIFORNIA
VALUES ACT IN ORDER TO PRESERVE PUBLIC SAFETY**

WHEREAS, the federal government has recently pursued a policy of enhanced immigration enforcement by arresting, detaining and deporting persons without regard to their personal productivity, family ties and history of community contributions;

WHEREAS, the enforcement of federal civil immigration law falls exclusively within the jurisdiction of the federal government, no City department has any inherent authority or duty to investigate or assist in enforcement of such federal law;

WHEREAS, entangling state and local agencies with federal immigration enforcement programs diverts already limited resources and blurs the lines of accountability between local, state, and federal governments

WHEREAS, the documented and undocumented immigrant communities of the City of Pomona are overwhelmingly hardworking, law abiding and contribute to the economic wellbeing of the City and the state;

WHEREAS, the State of California has enacted SB 54 into law on October 5, 2017, which sets parameters for cooperation of local law enforcement officials with federal immigration enforcement agencies and mandates local law enforcement carry out its legislative intent;

WHEREAS, the trust of immigrants to communicate with law enforcement to report criminal activity is a necessary component of effective law enforcement and public safety as affirmed by the legislative intent of SB 54;

WHEREAS, the City endeavors to establish policies which safeguard public safety and tranquility, and;

WHEREAS, the use of City resources to enforce federal civil immigration law in violation of SB 54 would violate the City's core values as expressed in its past acts, resolutions and mission statement and those State values codified in SB 54.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Pomona as follows:

SECTION 1. CONFORMITY WITH STATE LAW

The City and all of its officials, employees, personnel, contractors, and agents shall comply with the terms of SB54. The City shall not enter into any contract, intergovernmental agreement, and/or memorandum of understanding unless such contract, intergovernmental agreement, and/or memorandum of understanding is in compliance with SB 54.

SECTION 2. REPORTS REGARDING TASK FORCE PARTICIPATION

All reports regarding any ongoing joint law enforcement task force required to be issued by the Police Department pursuant to SB 54 shall be submitted to the City Council via the City Manager concurrent with submission to the California Department of Justice.

SECTION 3. CONFIDENTIALITY OF PERSONAL INFORMATION

The City shall conform its protections of the confidentiality of personal information to California Government Code Section 7284.6(a)(1)(D), regardless of city of residence. Nothing in this provision shall alter the obligations of the City under the Information Practices Act of 1977 (Cal. Civil Code section 1798, *et seq.*). Information regarding the citizenship or immigration status of a person shall not be disclosed by the City, except as otherwise provided under applicable federal law not in conflict with the provisions of SB 54.

SECTION 4. DETENTION OR ARREST ON SUSPICION OF IMMIGRATION VIOLATION PROHIBITED

The City shall not use City funds, resources, facilities or property to detain or arrest individuals on suspicion of immigration violations. The City shall not transfer to immigration authorities any person in the absence of a judicial warrant or judicial probable cause determination. The City shall also not transfer any person to immigration authorities outside of compliance with Government Code Section 7282.5, or as otherwise governed pursuant to Government Code Sections 7282 -7284.12. Neither the City nor any official, employee, agent or contractor of the City shall amend its policies to make such policies out of compliance with this ordinance. Neither the City nor any official, employee, agent or

contractor of the City shall amend its policies to make such policies out of compliance with SB54.

SECTION 5. TRAINING MATERIALS DEVELOPMENT

The City Manager shall be responsible for development and implementation of training materials for relevant City personnel regarding the scope and the requirements of SB 54 and this ordinance. Annually, or as otherwise requested by the City Council, the City Manager shall report to the City Council the status of training and compliance with SB 54.

SECTION 6. PUBLICATION OF CHANGES OF POLICY

City shall post this ordinance and policies related to SB 54 on the City website at all times. Any change in policies related to SB 54 or this ordinance shall be required to be published on the City website.

SECTION 7. EXCLUSIVE REMEDY; NO PRIVATE RIGHT OF ACTION

(a) This ordinance shall not create or form the basis of liability on the part of the City, its agencies, departments, officers, employees, contractors, or agents. It is not intended to create any new rights for breach of which the City, its agencies, departments, officers, employees, contractors, or agents, are liable for money or any other damages to any person who claims that a breach has proximately caused injury. The exclusive remedy for violation of this ordinance by City employees shall be through the City's applicable city personnel policies and procedures. The exclusive remedy for violation of this ordinance by non-employee contractors or agents of the City shall be through the terms of the governing contract or agreement for such contractor or agent.

(b) Notwithstanding the foregoing, nothing in this ordinance shall limit the right of an individual affected by any violation of SB 54 or any other law to file a claim for damages pursuant to Government Code Section 905, or to file a subsequent legal action for any applicable tort or civil rights violations regarding acts by City employees or contractors for failing to comply with SB 54 or any other law.

SECTION 8. SEVERABILITY

If any part of SB 54 or this Ordinance should be held by a court of competent jurisdiction to be invalid then the remainder, including any application thereof shall remain in full force and effect. To this end, provisions of this ordinance are severable.

SECTION 9. The City Clerk shall attest and certify to the passage and adoption of this Ordinance and it shall become effective thirty (30) days after its adoption.

APPROVED AND ADOPTED THIS __ DAY OF DECEMBER 2017.

ATTEST:

CITY OF POMONA:

Eva M. Buice, MMC, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, EVA M. BUICE, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Pomona held on the __th day of December 2017 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Eva M. Buice, MMC, City Clerk