



CITY OF POMONA COUNCIL REPORT

December 18, 2017

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Andrew L. Jared, Assistant City Attorney

Subject: **Second Reading and Adoption of an Ordinance to Comply with the Requirements of the California Values Act**

OVERVIEW

Recommendation – That the City Council adopt at second reading an ordinance to ensure compliance with the requirements of recent state law (“The California Values Act”, Senate Bill 54) regarding use of public funds for immigration enforcement.

Fiscal Impact – There is no fiscal impact resulting from this action.

Previous Related Action – On December 11, 2017 the City Council introduced the proposed ordinance as presented.

On November 21, 2017, the City Council directed the Office of the City Attorney and staff to present an ordinance for consideration which implements these state law requirements as City policy.

EXECUTIVE SUMMARY

On October 5, 2017, the State of California enacted “The California Values Act”, Senate Bill 54 (SB 54) (Attachment 2), 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. The City Council was contacted by local community groups (the Coalition) who have urged the City Council to adopt a policy in support of such State law in order to ensure compliance by the City of Pomona. (Attachment 3).

DISCUSSION

It has long been the policy of the City of Pomona to ensure that all departments in the City remain accountable and accessible to the residents of Pomona, and to create policies which safeguard public safety and tranquility. 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. In order to effectively police the City and ensure public safety, it is essential for the trust of residents who are immigrants to communicate with law enforcement to report criminal activity. The Department of Homeland Security CBP Border Security Report (Dec. 5, 2017) indicates that since May 2017 there has been a month-over-month increase in apprehensions along the Southwest border region. Enhanced federal enforcement leading to deportations, causes separation of families, with children left without proper family foundations, thus creating fear, anxiety, confusion and distrust of all levels of government.

SB 54 ensures that public monies in the State of California are not used to fund federal immigration enforcement agency policies and activities. The California Values Act comes on the heels of recent increases in federal immigration enforcement activities by the federal government, including federal agencies arresting, detaining and deporting persons without regard to their personal productivity, family ties and history of community contributions. SB54 correctly identifies that the enforcement of federal civil immigration law falls exclusively within the jurisdiction of the federal government. As such, no City department has any inherent authority or duty to investigate or assist in enforcement of such federal law. 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.

The proposed ordinance would ensure that City policy remains in conformity with State law on this issue, in particular the requirement now under SB 54 that cities do not engage in immigration enforcement purposes except under specific circumstances (*e.g.*, where a judicial warrant, authorized by judicial probable cause determination (Gov. Code 7284.6), or release notification regarding specified violent felony convictions (Gov. Code 7282.5(a)(1)). The ordinance prohibits the entering into any agreement unless such agreement is in compliance with SB 54.

State law will now require that the Police Department provide a report annually to the California Department of Justice regarding details of participation in any joint law enforcement task force. This ordinance will require that such report also be issued to the City Council via the City Manager concurrent with submission to the Department of justice. State law now also affirms that requirements regarding the confidentiality of personal information --already in place to prevent disclosure of such information by local agencies, such as the City-- are extended to immigration enforcement actions.

State law will now require that the City not use funds, resources, facilities or property to detain or arrest individuals on suspicion of immigration violations, or transfer any person to immigration authorities outside of compliance with SB 54. The ordinance will ensure that neither the City nor any official, employee, agent or contractor of the City will be able to amend this stated City policy to make such policies out of compliance with this ordinance or SB54.

The ordinance clarifies that the City Manager is responsible for development and implementation of training materials for relevant City personnel regarding the scope and the requirements of SB 54. It requires that at least annually, or as otherwise requested by the City Council, the City Manager report to the City Council the status of training and compliance with SB 54.

In order to ensure transparency and compliance with State law, the City shall post this ordinance and policies related to SB 54 on the City website at all times. The City shall post any changes in policies related to SB 54 or this ordinance on the City website. The ordinance insures that the remedy for violation of this ordinance shall be through the City's applicable city personnel policies and procedures for employees, or through the terms of the agreement for contractors.

Attachments: 1) Proposed Ordinance
2) Senate Bill 54
3) Letters of Support