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# City Council Report

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City Council Meeting: February 28, 2017  
Agenda Item: 11.B

To: Mayor and City Council  
From: Rick Cole, City Manager, City Manager's Office, Administration  
Subject: Resolution Embracing Diversity and Clarifying the City's Role in Enforcing Federal Immigration Law

## **Recommended Action**

Staff recommends that the City Council adopt the attached resolution reaffirming the City's values of diversity and inclusivity and reasserting the Santa Monica Police Department's policies on the enforcement of federal immigration laws.

## **Executive Summary**

As a result of community concerns surrounding the President's recent immigration-related Executive Orders, Council directed staff to prepare a Resolution for its consideration affirming the City's values and reasserting the City's policies on the enforcement of federal immigration laws. The proposed resolution reaffirms the City's values of embracing diversity and rejecting hate and discrimination in our community and reasserts that the Santa Monica Police Department leaves the enforcement of federal immigration laws to federal authorities.

## **Background**

In August 2015, the Santa Monica City Council considered a host of possible policy and project initiatives and ultimately adopted five priorities that are expected to have the greatest affirmative effect on community safety, wellbeing, prosperity, quality of life and sustainability. One of those five Strategic Goals, Inclusive + Diverse Community, focuses on making Santa Monica a welcoming community and home for people from all backgrounds through efforts like increasing affordable housing, raising workers' incomes, and helping Santa Monicans stay in their homes.

During his first weeks in office, President Trump has signed the following immigration-related Executive Orders:

Enhancing Public Safety in the Interior of the United States

This order directs the federal government to employ all lawful means to execute immigration policies including deportation laws, and eliminate most federal grant money that goes to sanctuary cities.

#### Border Security and Immigration Enforcement Improvements

This order calls for enhanced border security efforts, including the construction of a physical wall along the U.S.-Mexico border.

#### Protecting the Nation from Foreign Terrorist Entry into the United States

This order temporarily bans entries from several majority-Muslim countries and bars refugees from coming to the United States for several months.

Regional and local leaders have responded swiftly and assertively to these recent activities at the federal level related to immigration. During his 2017 State of the State address, Governor Jerry Brown vowed to “defend everybody-every man, woman, and child-who has come here...and has contributed to the well-being of our state.” Additionally, Attorney General Xavier Becerra has stated his intent to defend California against federal initiatives regarding immigration, noting that while California is not looking to pick a fight with the Administration, the State of California is prepared for any legal challenges ahead.

Locally, Santa Monica College President Kathryn Jeffery reaffirmed that Santa Monica College (SMC) is an institution that prides itself on its diversity and that “all of [its] students, employees, and their families-regardless of immigration status, family structure, sexual orientation, religious beliefs, gender identity or marital status-are equally valued within the SMC community.” In December 2016, the Santa Monica-Malibu Unified School District (SMMUSD) adopted a resolution entitled, “*Commitment to Education of all Children and Protection of Rights of Undocumented Students.*” Additionally, Chief Seabrooks issued a statement on November 23, 2016 reiterating the Santa Monica Police Department’s long-standing policy and practice of not enforcing immigration violations to ensure the focus of its police work remains on equitable treatment, police-community cooperation, and enhancing community safety.

Staff, particularly those who work at Virginia Avenue Park and with parent organizations there, have heard an increasing number of concerns from the community regarding their fears and vulnerability in the wake of the Administration's recent actions on immigration.

Given these community concerns, at its February 14<sup>th</sup> meeting, Council directed staff to prepare a resolution reaffirming the City's values of diversity and inclusivity and reasserting the statements from Chief Seabrooks that the Santa Monica Police Department leaves the enforcement of federal immigration laws to federal authorities.

### **Discussion**

The attached Resolution reaffirms the City's values of embracing diversity and rejecting hate and discrimination in our community. The City has a long and proud history of promoting policies that protect our residents, environment, communities and way of life that depends on tolerance and inclusiveness. As a community that welcomes and celebrates residents regardless of national origin, religion, sexual orientation or immigration status, public safety is dependent on every resident's willingness to call the police department, fire department or other city division either as a victim or witness to any crime or accident. The resolution seeks to assure the community that the City and its Police Department will not change its long-standing policy of leaving the enforcement of immigration violations to the federal authorities. Furthermore, the City and its staff will not enter into any agreement that obligates the City to perform immigration law enforcement functions or to aid in the creation of a registry or database that is based on an individual's religious affiliation, race, national or ethnic origin, immigration status, gender or sexual identity or orientation.

A community meeting was held on Wednesday, February 22<sup>nd</sup> to give community members an opportunity to hear from their City leadership on the Administration's recent actions on immigration and to have a forum for residents to ask questions and hear from organizational partners on their rights under the law. Several hundred residents and their families were present and voiced their appreciation for the work being done locally to protect them and the community. Concerns from residents were

mostly focused on their ability to care for their children and maintain their family unit should a parent face immigration enforcement action.

### Next Steps

Passage of the attached Resolution will enable staff to weigh in on the Council's behalf on any pending immigration-related Federal and State legislation. Staff will also include language on the City's immigration position in an updated Legislative Platform which will come before the Council in April.

As further directed at Council's February 14<sup>th</sup> meeting, staff will return to Council with an Ordinance prohibiting employers, landlords, housing agencies, and other parties involved in seeking or providing jobs, housing, or other benefits, goods, or services, from gathering information on the religious affiliation, immigration status and sexual orientation of tenants, clients, customers, or other participants, and further prohibiting the sharing of such information that may already have been gathered or have become inadvertently available. This will be presented as soon as is reasonably possible.

Staff will continue to work with the community and hold additional community meetings and "*know your rights*" legal clinics as needed. Staff will use the information gathered from the first community forum to inform the program and frequency of future events or other community support.

Additionally, staff is developing a communications plan to continue the dialogue between the community and the City's leaders and will look for opportunities to partner with local organizations on a citywide campaign of solidarity against the Administration's actions on immigration.

Finally, staff will review available data to assess the local impact of the Administration's executive orders and how to best serve and address the needs of the local population. Given the uncertainty of the national political climate, staff will return to Council if further action is needed and will keep Council informed as to any additional immigration-related executive orders from the Administration that have an impact on our local community.

**Financial Impacts and Budget Actions**

There is no immediate financial impact or budget action necessary as a result of the recommended action.


**Prepared By:** Stephanie Venegas, Council Office Coordinator

**Approved**

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**Forwarded to Council**

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Rick Cole, City Manager 2/24/2017

**Attachments:**

- A. Resolution
- B. 2.14.16 Item 13-E
- C. Written Comments