

STAFF REPORT

DATE: November 5, 2014
TO: City Council
FROM: Kelly Stachowicz, Deputy City Manager
SUBJECT: Sanctuary City Status

Recommendation

Approve attached Resolution reaffirming the City's Sanctuary City status, as per recommendation from the Human Relations Commission.

Fiscal Impact

There is minimal fiscal impact to the city to approving the resolution, as it primarily reaffirms what the City already has in place. The minimal cost to produce signage, likely posters, as a means of outreach, will be absorbed in existing budgets.

Background

During the 1980s, many cities throughout the country passed resolutions to designate themselves as "Sanctuary Cities." The intent of these resolutions was to make a statement that the community was accepting of and welcoming to undocumented workers and refugees fleeing persecution and often appalling political situations in their countries of origin, particularly in Central America.

In 1986, the city of Davis passed Resolution 5407, a resolution affirming the support of the city of Davis for efforts to provide sanctuary to refugees fleeing persecution in El Salvador and Guatemala. In 2007, the City Council passed Resolution 07-162, which reaffirmed the Sanctuary City status and broadened the wording to include all undocumented residents. In addition, in 2007, the City Council passed Resolution 07-123, which denounced human rights violations occurring during immigration raids. These resolutions are attached for reference.

The city's Human Relations Commission has been discussing immigration issues and the concerns of undocumented residents in and around Davis over the past few months. At their July 24 meeting, they discussed the Sanctuary City issue at length and voted to prepare a resolution to reaffirm the city's existing status. That resolution was approved at the commission's August meeting and finalized at the September meeting.

The commission has found that most undocumented residents are not aware that Davis is already a Sanctuary City. As such, the commission believes the time is appropriate for the city to reaffirm its position and reach out to the community. Commissioners, along with the Davis Phoenix Coalition, have begun outreach meetings with interested parties and have written and recommended the attached resolution for consideration by the City Council.

The proposed resolution reaffirms what is already on the books and specifies some additional outreach efforts. Specifically, the resolution encourages city staff to provide outreach in the community, requests signage in the community and asks that the resolution be sent to local, state and federal representatives.

The question of what it means to be a Sanctuary City is frequently asked. Simply stated, it means that our police officers or other city officials, during the course of duty, do not take documented status into account when they encounter individuals in Davis. Documented status is not a factor in interactions or provision of city services/access to city facilities. It is a federal, not a local, issue. Sanctuary City status does not mean that undocumented residents are permitted to break the law or local code without ramifications. An individual violating a law or local code would be cited or arrested as the violation dictated but during an interaction with the city an individual would not be required to provide proof of residency. The Sanctuary City policy is only applied within the city limits; it does not apply to the county or to other jurisdictions.

Attachment

1. Proposed Resolution
2. Resolution No. 5407, Series 1986
3. Resolution No. 07-123, Series 2007

RESOLUTION 14-___, Series 2014

**RESOLUTION REAFFIRMING AND PROMOTING
THE CITY OF DAVIS AS A CITY OF SANCTUARY**

WHEREAS, the Davis has long been a community made up of diverse individuals and identities; and

WHEREAS, the City of Davis respects all persons regardless of race, class, gender, ethnicity, ability, sexual orientation, or immigration status; and

WHEREAS, the City of Davis declared itself a City of Sanctuary, specific to refugees fleeing persecution in El Salvador and Guatemala, in 1986 through Resolution 5407, and specific to undocumented migrants in Resolution 07-162 in 2007; and

WHEREAS, undocumented immigrants are forced to come to this country because of lack of opportunity or violence, such as the case with 20,000 to 40,000 children apprehended at the United States border in 2012 and 2013 alone, primarily from El Salvador, Guatemala, and Honduras, and which is expected to be much higher this year; and

WHEREAS, undocumented immigrants are victims of abuses related to work, housing, and access to basic government-provided resources, and are constantly fearful of deportation; and

WHEREAS, the City of Davis supports a fair and just reform to the immigration process, where local funds and resources are not used to enforce federal immigration laws, and where the Davis Police Department has actively committed not to seek out and persecute individuals within the city limits because of their documented status.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City of Davis once again reaffirms its declaration as a City of Sanctuary, recognizing its past commitment both to refugees and undocumented migrants to this country, and provides itself as a safe community until they can return to their homelands or until they receive federally-recognized residency in the United States; and

BE IT FURTHER RESOLVED that the City of Davis actively supports community outreach to educate the city's population about these past resolutions, and therefore city policy, by:

1. Encouraging City staff to provide outreach about Davis being a City of Sanctuary, and
2. Adding signage in the city to demonstrate the city's commitment to its entire community, regardless of identity, and
3. Communicating the resolution to local, state and national representatives.

PASSED AND ADOPTED by the City Council of the City of Davis on this 5th day of November 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

Daniel M. Wolk
Mayor

ATTEST:

Zoe Mirabile, CMC
City Clerk

RESOLUTION NO. 5407, SERIES 1986

A RESOLUTION AFFIRMING THE SUPPORT OF THE CITY OF DAVIS FOR EFFORTS TO PROVIDE
SANCTUARY TO REFUGEES FLEEING PERSECUTION IN EL SALVADOR AND GUATEMALA

WHEREAS, the citizens of Davis are concerned about violations of human rights throughout the world, and

WHEREAS, in the last six years, over 10,000 Guatemalan civilians and over 50,000 Salvadoran civilians have been killed in their homelands; and over 500,000 Guatemalans and over 500,000 Salvadorans have fled from violence and gross human rights violations, and

WHEREAS, the United State Congress, in the Refugee Act of 1980, adopted the United Nations Convention Relating to the Status of Refugees, which defines a political refugee as "any person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular group or a political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country," and

WHEREAS, the United Nations High Commission on Refugees has recognized that persons fleeing El Salvador and Guatemala are bona fide political refugees, yet fewer than two percent are being granted that status by the U.S. Immigration and Naturalization Service, and

WHEREAS, the significant risk of persecution and death for deported Salvadoran and Guatemalan refugees, documented by numerous church and international human rights agencies, make it inhumane to enforce their return during this period of civil war, and

WHEREAS, over 200 churches and synagogues and other groups across the nation have elected to provide sanctuary openly and publicly to Central American refugees, believing this humanitarian work to be in accord with the spirit and letter of international and United States law, and

WHEREAS, within the City of Davis we have both refugees and sanctuary providers for whom the fear of deportation and the threat of arrest have an increasing immediacy;

THEREFORE, BE IT RESOLVED, that the City of Davis declare itself a CITY OF SANCTUARY for Salvadoran and Guatemalan refugees, until they can safely return to their homelands or until they are granted federally recognized residency status, and

BE IT FURTHER RESOLVED, that no agency or employee of the City of Davis shall officially assist with investigations or arrest procedures relating to alleged violations of immigration law by refugees from El Salvador or Guatemala or by those offering them sanctuary, unless required to do so by statute, ordinance, federal regulation or court decision; nor will any City agency or employee refuse essential public services to the refugees, and

BE IT FURTHER RESOLVED, that the City of Davis commend the Davis Religious Community for Sanctuary and all those Davis citizens who have supported its work on behalf of Central American refugees, providing housing, transportation, food, clothing, medical aid, legal assistance and friendship to these refugees, and

BE IT FURTHER RESOLVED, that the City Clerk:

1. Communicate this Resolution to all City agencies, to the Administration and Student Government of the University of California at Davis, to the California Delegation to the U.S. Congress, to the local and national directors of the Immigration and Naturalization Service, and to President Ronald Reagan, and
2. Communicate to the California Delegation to the U.S. Congress our request that the Delegation investigate the application of the Refugee Act of 1980 to the situation of Salvadoran and Guatemalan refugees.

PASSED AND ADOPTED by the City Council of the City of Davis this 5th day of March, 1986, by the following votes:

AYES: Tomasi, Nichols-Poulos, Rosenberg, Evans.

NOES: Adler

ABSENT: None

ATTEST:


ROGER A. STOREY
City Clerk


ANN M. EVANS
Mayor

RESOLUTION 07-162, SERIES 2007

RESOLUTION REAFFIRMING THE CITY OF DAVIS AS A CITY OF SANCTUARY

WHEREAS, the City of Davis has long benefited from a diverse international community; and

WHEREAS, the City of Davis respects all persons regardless of race, class, ethnicity, or legal status; and

WHEREAS, the City of Davis declared itself a City of Sanctuary, specific to refugees fleeing persecution in El Salvador and Guatemala, in 1986 through Resolution 5407; and

WHEREAS, undocumented immigrants are especially vulnerable to workplace abuses and housing discrimination; and

WHEREAS, the City Council of the City of Davis has also passed Resolution 07-123, which states that the City of Davis disapproves of and condemns the civil rights violations caused by conducting raids for the purpose of deportation of undocumented foreign nationals; and

WHEREAS, much of the public discourse surrounding immigration has taken on a tone that ranges from irrational to racist, including the use of language such as "illegal" and "alien" to describe immigrants, which has a dehumanizing effect; and

WHEREAS, the City of Davis supports a fair and just reform to the immigration process; and

WHEREAS, cities such as Huntington Park, CA, San Francisco, Chicago and Cambridge, MA have declared themselves or reaffirmed their status as Sanctuary Cities

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City of Davis reaffirms its declaration as a City of Sanctuary, broadening its scope to include undocumented workers and immigrants from all backgrounds; and


BE IT FURTHER RESOLVED that the City of Davis supports a just and fair immigration reform that respects individuals and allows proper and affordable navigation channels for individuals to become documented workers in, permanent residents of and/or naturalized citizens of the United States and affirms the basic human rights and dignity of every human being.

PASSED AND ADOPTED by the City Council of the City of Davis this sixteenth day of October 2007 by the following votes:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald

NOES: None

ABSENT: None


Sue Greenwald
Mayor

ATTEST:



Margaret Roberts, CMC
City Clerk