

## **ORDINANCE NO. 1490**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA DECLARING ITSELF A SANCTUARY CITY AND SAFEGUARDING THE CIVIL RIGHTS, SAFETY AND DIGNITY OF ALL ARCATA RESIDENTS**

**WHEREAS**, the City of Arcata's Mayor and City Council hereby affirm and express that the core values of the City of Arcata include, regardless of nationality or citizenship status, creating a climate of welcome and inclusiveness, protecting and preserving the values of democracy and freedom, and respecting the human dignity and human rights of all persons; and

**WHEREAS**, the City of Arcata has long embraced refugees fleeing persecution and violence; and

**WHEREAS**, since the presidential election, there has been a sense of uncertainty and fear among many communities in Arcata, across our State and across the Nation; and

**WHEREAS**, the City of Arcata assures its vulnerable communities that the City supports them, will do all it can to maintain and improve their quality of life, and will not tolerate acts of hate, discrimination, bullying, or harassment; and

**WHEREAS**, for many years the Arcata Police Department has been a leader in Humboldt County and will continue to provide public safety that fosters a collaborative relationship with the city of Arcata's residents including all members of its diverse communities; and

**WHEREAS**, it has been and shall continue to be the Arcata Police Department's policy not to engage in Federal immigration enforcement; and

**WHEREAS**, the Arcata City Council wishes to declare that Arcata is a safe place for everyone, including, but not limited to, immigrants from all countries, people of color, people of all religions, gender identity, sexual orientation, people with disabilities and all vulnerable communities; and

**WHEREAS**, it is the City Council's desire to ensure that its immigrant residents participate in civic life and daily activities without fear of being arrested or detained by, or reported to the United States Immigration and Customs Enforcement agency based solely on immigration status; and

**WHEREAS**, many children who are native to the United States or are undocumented immigrants have been separated from their families by United States Immigration & Customs Enforcement Agency solely due to their parents' or their personal immigration status; and

**WHEREAS**, the enforcement of civil immigration laws by local police agencies raises many complex legal, logistical and resource issues for the City, including

undermining the trust and cooperation with immigrant communities, and detracting from the core mission of the Arcata Police Department to create safe communities; and

**WHEREAS**, immigration law and enforcement are an area of federal, not local, concern, and the Tenth Amendment of the United States Constitution prevents the federal government from commandeering state or local agencies or officers to implement federal policies or regulations.

**WHEREAS**, the City Council is greatly concerned about public safety in Arcata and the mission of the Arcata Police Department is to protect the safety of the public against crimes committed by persons whoever they may be; and

**WHEREAS**, most residents in the City, including the vast majority of immigrants, are law-abiding citizens and are, when crimes occur, themselves the victims of crime, and because the City wishes to foster trust and cooperation and wishes to encourage immigrants to report crime and speak to the police without fear of being arrested or detained by, or reported to the United States Immigration and Customs Enforcement agency; and

**WHEREAS**, consistent with the law and with City policy, the Arcata Police Department already declines to enforce federal civil immigration laws, does not conduct immigration raids, and does not question, detain or arrest individuals on the sole basis that they might be in this country illegally in violation of Federal civil immigration laws.

**NOW THEREFORE**, the City Council of the City of Arcata does ordain as follows:

**Section 1.** Chapter 6 is hereby created in Title IV, Public Welfare Morals and Conduct, of the Arcata Municipal Code, entitled “Safeguarding The Civil Rights, Safety And Dignity Of All Arcata Residents” as follows:

**TITLE IV—PUBLIC WELFARE MORALS AND CONDUCT**  
**CHAPTER 6—SAFEGUARDING THE CIVIL RIGHTS, SAFETY AND DIGNITY**  
**OF ALL ARCATA RESIDENTS**

**SEC. 4600. General Provisions.**

- A. The Arcata City Council calls upon all City residents, visitors and all City Departments and employees to speak out against acts of bullying, discrimination and hate violence and to stand up for those who are targeted for such acts.
- B. The Arcata City Council opposes deportations based solely on immigration status which split up families, and calls upon the federal government to promptly legislate a pathway to citizenship for undocumented immigrants, and to refrain from deportations of immigrants who have not been convicted of felonies endangering the community, until such time as the U.S. Congress does legislate such a pathway.

**SEC. 4601. Use of City Resources.**

- A. City of Arcata resources shall not be used by the federal government to create a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin.
- B. City Departments shall not collect immigration-related information and shall ensure nondiscriminatory access to City benefits and services, except as necessary for employment purposes or otherwise consistent with this Article.
- C. The City shall track annually requests regarding detainer and notification requests from the federal government for monitoring purposes.
- D. City employees, including members of the Arcata Police Department, shall not enforce Federal civil immigration laws and shall not use city monies, resources or personnel to investigate, question, detect, detain or apprehend persons solely on the basis of a possible violation of immigration law.

**SEC. 4602. Arcata Police Department Practices.**

- A. Absent a judicial warrant, Arcata Police Department should honor Federal Immigration detainer requests only in cases of serious and/or violent felonies.
- B. Consistent with Government Code 7283.1, Arcata Police Department should not provide Federal Immigration Authorities with access to individuals in their custody for questioning solely for civil immigration enforcement purposes unless the individual voluntarily agrees to the interview and signs the written consent.
- C. Arcata Police Department shall protect the due process rights of persons as to whom federal immigration enforcement request have been made, including providing those persons with appropriate notice.
- D. The Arcata Police Department shall not collaborate or share immigration-related information with Federal immigration authorities unless required by federal or state law.

**SEC. 4603. Practices of Other City Departments.**

- A. In order to ensure that eligible individuals are not deterred from seeking services or engaging with City agencies, all City Departments shall review their confidentiality policies and identify any changes necessary to ensure that information collected from individuals is limited to that necessary to perform agency duties and is not used or disclosed for any other purpose. Any necessary changes to those policies shall be made as expeditiously as possible.

B. The Arcata City Council welcomes opportunities to partner with Humboldt County, other local cities, organizations and businesses to support Legislation that support and defend these populations.

**Section 2.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

**Section 3.** This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines based on the finding that the provisions of the ordinance constitute additional regulation for a process already existing under State law and thus does not have the potential for causing a significant impact to the environment.

**Section 4. Effective Date.** This ordinance will take effect thirty (30) days after the date of its adoption.

**DATE:** June 7, 2017

**ATTEST:**

/s/ Bridget Dory  
City Clerk, City of Arcata

**APPROVED:**

/s/ Susan Ornelas  
Mayor, City of Arcata

#### **CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1490, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, on the 7<sup>th</sup> day of June, 2017, by the following vote:

**AYES: ORNELAS, PEREIRA, WATSON**

**NOES: WINKLER**

**ABSENT: PITINO**

**ABSTENTIONS: NONE**

/s/ Bridget Dory  
City Clerk, City of Arcata