

**CITY COUNCIL MEETING
TUESDAY, DECEMBER 13, 2016**

DOCUMENTS RECEIVED AFTER PUBLISHED AGENDA

Item #1 MIN 16-112

Minutes of the Special City Council Meeting on November 29, 2016



OFFICE OF THE CITY CLERK

DATE: December 13, 2016
TO: City Council
FROM: City Clerk
RE: Amendment to City Council Minutes of November 29, 2016

This serves to amend the draft minutes of the City Council meeting on November 29, 2016. Item No. 1 (**MIN 16-107**) of the City Council packet for December 13, 2016.

First paragraph on page 1 currently reads:

“Mayor Halliday noted that she had received correspondence from San Francisco regarding sanctuary cities.”

Proposed to read:

“Mayor Halliday noted that she had received correspondence from constituents regarding a possible implementation of sanctuary cities.”

With the change noted above, I respectfully request approval of the amended minutes.

Item #6 CONS 16-756

**Adoption of Fiscal Year 2017 Statement of Investment Policy
and Delegation of Investment Authority**



DATE: December 13, 2016
TO: Mayor and City Council
FROM: Acting Director of Finance
SUBJECT: Item 6 - Attachments II-V, Resolutions to 2017 Statement of Investment Policy and Delegation of Investment Authority

Attachments II - V, previously provided with the agenda packet for the December 13, 2016 City Council meeting contained an error stating that investment transaction reports were to be provided "monthly." The edited resolutions attached have been updated to reflect the current practice of periodic reporting.

Prepared and Recommended by: Dustin Claussen, Acting Director of Finance

Approved by:

Kelly McAdoo, City Manager

Attachments:

- Attachment II Resolution-City – Reaffirming Statement of Investment Policy and Renewing Delegation of Authority to Make Investments
- Attachment III Resolution-Housing Authority – Reaffirming Statement of Investment Policy
- Attachment IV Resolution-Hayward Successor Redevelopment Agency – Reaffirming Statement of Investment Policy and Renewing Delegation of Authority to Make Investments
- Attachment V Resolution-Hayward Public Financing Authority – Reaffirming Statement of Investment Policy and Renewing Delegation of Authority to Make Investments

HAYWARD CITY COUNCIL

RESOLUTION NO. 16 -

Introduced by Council Member _____

RESOLUTION REAFFIRMING THE STATEMENT OF
INVESTMENT POLICY AND RENEWING THE
DELEGATION OF AUTHORITY TO MAKE INVESTMENTS
TO THE DIRECTOR OF FINANCE

WHEREAS, by Resolution No. 15-223, dated November 17, 2015, the City Council adopted a Statement of Investment Policy for the City of Hayward; and

WHEREAS, under section 53607 of the California Government Code, the authority of the legislative body to invest or to reinvest funds of a local agency, or to sell or exchange securities so purchased, may be delegated for a one-year period by the legislative body to the treasurer of the local agency, who shall thereafter assume full responsibility for those transactions until the delegation of authority is revoked or expires, and shall make a periodic report of those transactions to the legislative body. Subject to review, the legislative body may renew the delegation of authority pursuant to this section each year.

NOW, THEREFORE, BE IT RESOLVED that the FY 2017 Statement of Investment Policy is hereby reaffirmed as amended, and that the authority of the Director of Finance, or his or her designee, to make investments pursuant to the Policy is hereby renewed.

BE IT FURTHER RESOLVED that the Director of Finance and his/her successors in office is authorized to order the deposit or withdrawal of money in the accounts of the City of Hayward, the Public Financing Authority, the Successor Agency of the Redevelopment Agency of the City of Hayward, and the Housing Authority within the Local Agency Investment Fund of the State of California for the purpose of investment in accordance with the provisions of Section 16429.1 of the California Government Code; and further authorized to delegate responsibility for daily deposits or withdrawals of money in the above referenced accounts as required to ensure proper functioning of the fiscal operations of the City and these agencies.

IN COUNCIL, HAYWARD, CALIFORNIA December 13, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HOUSING AUTHORITY OF THE CITY OF HAYWARD

RESOLUTION NO. HA 16-_____

Introduced by Board Member _____

RESOLUTION REAFFIRMING THE STATEMENT
OF INVESTMENT POLICY AND RENEWING THE
DELEGATION OF AUTHORITY TO MAKE
INVESTMENTS TO THE DIRECTOR OF FINANCE

WHEREAS, by Resolution No. HA 15-05, dated November 17, 2015, the Housing Authority Board of Directors adopted a Statement of Investment Policy for the City of Hayward; and

WHEREAS, under section 53607 of the California Government Code, the authority of the legislative body to invest or to reinvest funds of a local agency, or to sell or exchange securities so purchased, may be delegated for a one-year period by the legislative body to the treasurer of the local agency, who shall thereafter assume full responsibility for those transactions until the delegation of authority is revoked or expires, and shall make a periodic report of those transactions to the legislative body. Subject to review, the legislative body may renew the delegation of authority pursuant to this section each year.

NOW, THEREFORE, BE IT RESOLVED by the Housing Authority Board of the City of Hayward that the FY 2017 Statement of Investment Policy is hereby reaffirmed as amended, and that the authority of the Director of Finance, or his or her designee, to make investments pursuant to the Policy is hereby renewed.

BE IT FURTHER RESOLVED that the Director of Finance and his/her successors in office is authorized to order the deposit or withdrawal of money in the accounts of the Housing Authority of the City of Hayward within the Local Agency Investment Fund of the State of California for the purpose of investment in accordance with the provisions of Section 16429.1 of the California Government Code; and further authorized to delegate responsibility for daily deposits or withdrawals of money in the above referenced accounts as required to ensure proper functioning of the fiscal operations of the City and these agencies.

IN COUNCIL, HAYWARD, CALIFORNIA December 13, 2016.

ADOPTED BY THE FOLLOWING VOTE:

AYES: BOARD MEMBERS:

CHAIR:

NOES: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ATTEST: _____
Secretary of the Housing Authority
of the City of Hayward

APPROVED AS TO FORM:

General Counsel of the Housing Authority for
the City of Hayward

REDEVELOPMENT SUCCESSOR AGENCY OF THE
CITY OF HAYWARD

RESOLUTION NO. RSA- 16-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD,
ACTING AS THE GOVERNING BOARD FOR THE REDEVELOPMENT
SUCCESSOR AGENCY OF THE CITY OF HAYWARD REAFFIRMING THE
STATEMENT OF INVESTMENT POLICY AND RENEWING THE
DELEGATION OF AUTHORITY TO MAKE INVESTMENTS TO THE
DIRECTOR OF FINANCE

WHEREAS, by Resolution No. RSA 15-09 dated November 17, 2015 the Redevelopment
Successor Agency of the City of Hayward adopted a Statement of Investment Policy; and

WHEREAS, pursuant to legislation enacted by the State legislature, the Redevelopment
Agency was dissolved effective February 2012; and

WHEREAS, under section 53607 of the California Government Code, the authority of the
legislative body to invest or to reinvest funds of a local agency, or to sell or exchange securities so
purchased, may be delegated for a one-year period by the legislative body to the treasurer of the
local agency, who shall thereafter assume full responsibility for those transactions until the
delegation of authority is revoked or expires, and shall make a periodic report of those transactions
to the legislative body. Subject to review, the legislative body may renew the delegation of
authority pursuant to this section each year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward,
acting as the governing body of the Redevelopment Successor Agency of the City of Hayward, that
the FY 2017 Statement of Investment Policy is hereby reaffirmed as amended, and that the
authority of the Director of Finance, or his or her designee, to make investments pursuant to the
Policy is hereby renewed.

BE IT FURTHER RESOLVED that the Director of Finance and his/her successors in
office is authorized to order the deposit or withdrawal of money in the accounts of the
Redevelopment Successor Agency within the Local Agency Investment Fund of the State of
California for the purpose of investment in accordance with the provisions of Section 16429.1 of
the California Government Code; and further authorized to delegate responsibility for daily
deposits or withdrawals of money in the above referenced accounts as required to ensure proper
functioning of the fiscal operations of the City and these agencies.

HAYWARD, CALIFORNIA December 13, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: BOARD MEMBERS:
CHAIR:

NOES: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ATTEST: _____
Secretary of the Redevelopment Successor Agency
of the City of Hayward

HAYWARD PUBLIC FINANCING AUTHORITY

RESOLUTION NO. 16 -

Introduced by Board Member _____

RESOLUTION AFFIRMING THE STATEMENT OF INVESTMENT POLICY
AND RENEWING THE DELEGATION OF AUTHORITY TO MAKE
INVESTMENTS TO THE DIRECTOR OF FINANCE

WHEREAS, by Resolution No. HPFA 15-02, dated November 17 2015, the Agency Members adopted a Statement of Investment Policy for the Hayward Public Financings Authority for the City of Hayward; and

WHEREAS, under section 53607 of the California Government Code, the authority of the legislative body to invest or to reinvest funds of a local agency, or to sell or exchange securities so purchased, may be delegated for a one-year period by the legislative body to the treasurer of the local agency, who shall thereafter assume full responsibility for those transactions until the delegation of authority is revoked or expires, and shall make a periodic report of those transactions to the legislative body. Subject to review, the legislative body may renew the delegation of authority pursuant to this section each year; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Hayward Public Financing Authority that the FY 2017 Statement of Investment Policy is hereby affirmed as amended, and that the authority of the Director of Finance, or his or her designee, to make investments pursuant to the Policy is hereby renewed.

BE IT FURTHER RESOLVED that the Director of Finance and his/her successors in office is authorized to order the deposit or withdrawal of money in the accounts of the Hayward Public Financing Authority within the Local Agency Investment Fund of the State of California for the purpose of investment in accordance with the provisions of Section 16429.1 of the California Government Code; and further authorized to delegate responsibility for daily deposits or withdrawals of money in the above referenced accounts as required to ensure proper functioning of the fiscal operations of the City and these agencies.

IN COUNCIL, HAYWARD, CALIFORNIA December 13, 2016.

ADOPTED BY THE FOLLOWING VOTE:

AYES: BOARD MEMBERS:
MAYOR:

NOES: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ATTEST: _____
Secretary of the Hayward
Public Financing Authority

APPROVED AS TO FORM:

General Counsel of the Hayward
Public Financing Authority

Agenda Questions and Answers

Item #8 CONS 16-769

Item #6 CONS 16-756

AGENDA QUESTIONS & ANSWERS

MEETING DATE: December 13, 2016

<p>Item 8 - Requested by CM Mendall: <i>New Garin Reservoir and Pump Station Improvements: Approval of Plans and Specifications, and Call for Bids.</i></p>	<p>Response from Director Ameri, U&ES</p>
<p>1) Do the plans for the New Garin Reservoir include an on site, renewable power generation component that will make the project ZNE?</p>	<p>The other issue related to this tank is that there is very little electric use at the <u>tank</u> location. The pump station for this project, where there is a fair amount of electric energy use, is on Garin, below Clearbrook, roughly a mile below where the water tank is located. Taking electricity from the tank to the PS would be very costly. Because of these reasons, NEM would not be a viable option for this location. As for RES-BCT, this second tank at Garin is much smaller in volume than the existing tank and slightly taller (the latter to meet seismic slosh wave requirements.) Because of this, the tank has much smaller diameter than the existing one and therefore smaller surface area. Between the two, the larger tank would be a much better candidate for solar</p>
<p>2) If not, can that be added to the project without delaying it? The top of the water tower seems like a good place for solar PV. I suspect the PV could easily offset the power needed to run the pumps.</p>	<p>Regarding your suggestion about making the tank solar ready, I don't believe that can help make a future solar project necessarily more efficient. Unlike residential construction where wiring must go through roof and walls, in the case of water tanks all wiring is installed on the side of the tank. It does not make a difference when the wiring is done. In fact, if we install the wiring at this time, and later decide that this tank is not the best candidate for solar, the wiring would go unused.</p>
<p>3) If such a change would delay the bid process, can we at least make sure the rooftop is "solar ready" so that we can more easily add PV panels at a later date?</p>	<p>You may recall, and I mentioned it at the ZNE Council discussions the other evening, that Council has approved \$3M in the CIP in Water Improvement Fund for "solar at various locations" of the water system. I will include Garin in the feasibility study to pick the best locations to implement the project. Thank you for your continued support of sustainable practices.</p>
<p>Item 6 - Requested by CM Lamnin: Adoption of Fiscal Year 2017 Statement of Investment Policy and Delegation of Investment Authority.</p>	<p>Response from Acting Director Claussen, Finance</p>
<p>1) In Consent item 6, Annual investment policy, the resolution states in the second whereas paragraph (5th line) "...and shall make a monthly report of those transactions to the legislative body." I think we changed this requirement? I'm thinking it's met by the quarterly investment reports that are sent out, but not recalling all the details exactly. Please review if needed.</p>	<p>Councilmember Lamnin is correct. We will update the resolution to read "...and shall make a periodic report of those transactions to the legislative body." and can distribute at the meeting.</p>
<p>Request from CM Zermeno Please include maps included in the Staff Reports showing locations of projects as I would like to know where the New Garin Reservoir and the fire stations will be/are</p>	<p>Please find maps attached</p>



CITY OF
HAYWARD
HEART OF THE BAY

DATE: December 12, 2016

TO: Mayor and City Council

FROM: Director of Utilities & Environmental Services 

SUBJECT

Location Map for Item 8 – New Garin Reservoir and Pump Station Improvements: Approval of Plans and Specifications, and Call for Bids

Attached is a location map for the New Garin Reservoir and Pump Station Location. The location map was inadvertently not mentioned in the staff report for Item 8 of December 13, 2016 Council meeting, and we are providing it for review by Council.

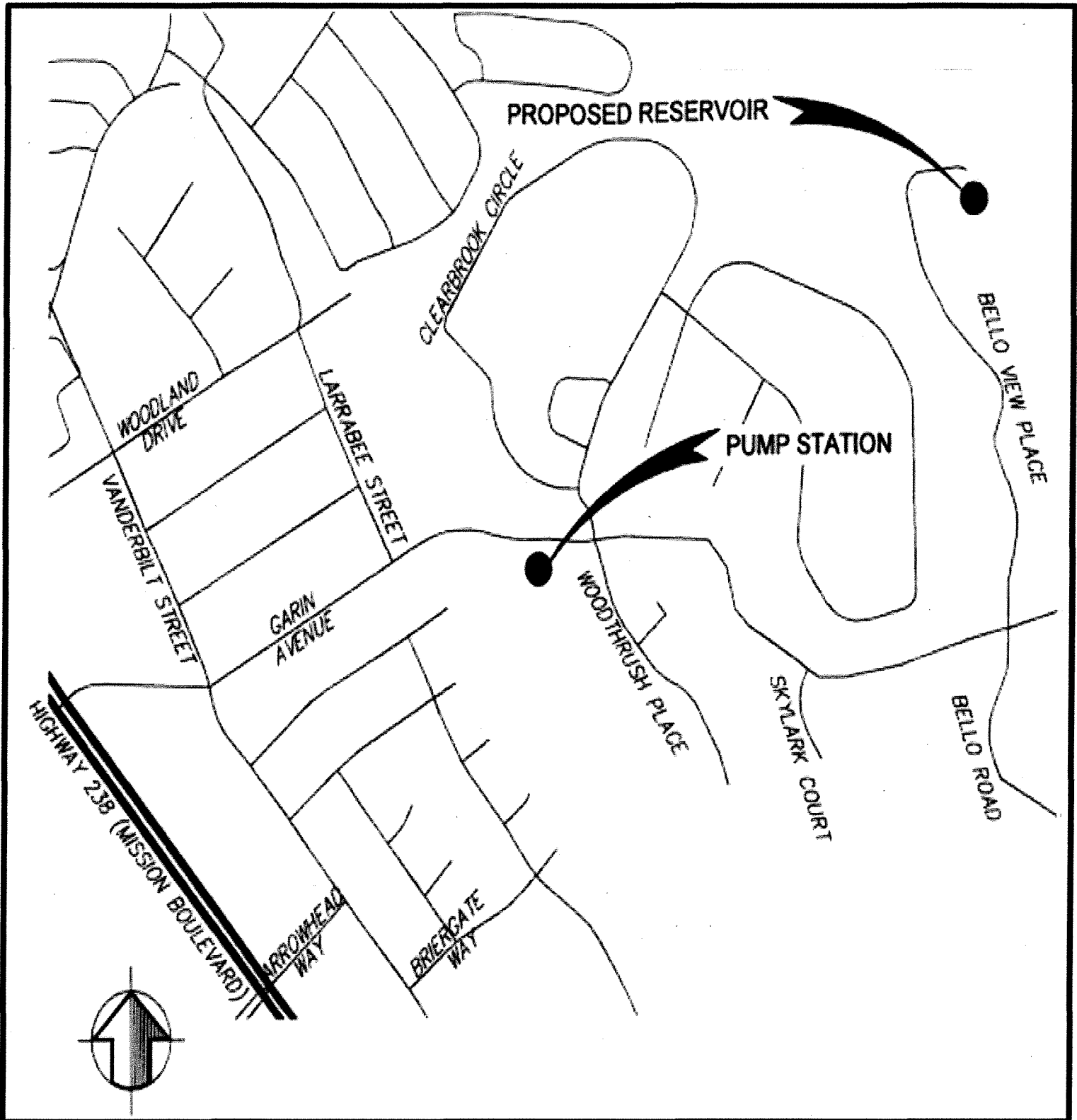
Recommended by: Alex Ameri, Director of Utilities & Environmental Services

Approved by:



Kelly McAdoo, City Manager

Attachment New Garin Reservoir and Pump Station Location



New Garin Reservoir and Pump Station
Location Map



PUBLIC COMMENTS

Scott Figgins

Immigration Myths and Facts — January 2008

MYTH: Immigrants are a drain on our social services.

FACT: By paying taxes and Social Security, immigrants contribute far more to government coffers than they use in social services.

In its landmark report published in 1997—arguably the most thorough national study to date of immigration’s fiscal impacts—the National Research Council (NRC) of the National Academy of Sciences concluded that on average, immigrants generate public revenue that exceeds their public costs over time—approximately \$80,000 more in taxes than they receive in state, federal and local benefits over their life times.¹ This same conclusion was reached in 2007 by the Council of Economic Advisers in their report to the Executive Office of the President where they state that “the long-run impact of immigration on public budgets is likely to be positive,” and agree with the NRC report’s view that “only a forward-looking projection of taxes and government spending can offer an accurate picture of the long-run fiscal consequences of admitting new immigrants.”²

Indeed, most non-citizens are not even eligible for the majority of welfare programs unless they are legal permanent residents and have resided in the United States legally for at least five years. This includes benefits such as Temporary Assistance for Needy Families (TANF), SSI, Medicaid, and the State Children’s Health Insurance Program (CHIP).

Moreover, according to government reports, noncitizens are much less likely than citizens to use the benefits for which they are eligible. For example, immigrants, especially the undocumented, tend to use medical services much less than the average American.³ In fact, the average immigrant uses less than half the dollar amount of health care services as the average native-born citizen.⁴ Moreover, the claim that immigrants account for high rates of emergency room (ER) visits is refuted by research; in fact, communities with high rates of ER usage tend to have relatively small percentages of immigrant residents.

Likewise, according to Department of Agriculture reports, noncitizens who are eligible for food stamps are significantly less likely to use them than are all other individuals who are eligible for the program. For example, about 45 percent of eligible noncitizens received food stamps in 2002, compared to almost 60 percent of eligible individuals overall.⁵

Most of the fiscal impact from immigration is felt at the state and local levels. The Council of Economic Advisors points out in its report to the Executive Office of the President that “the positive fiscal impact tends to accrue at the federal level, but the net costs tend to be concentrated at the state and local level,” which bear primary responsibility for providing not only health care but education.⁶

Still, according to recent studies from a number of cities and states—including the states of Arizona, Texas, Minnesota, California, New York, North Carolina and Arkansas, and cities or counties of Chicago and Santa Clara—while the cost of educating the children of immigrants may be high, the overall economic benefits of immigrants to the states remain positive.⁷ A University of Illinois study found that undocumented immigrants in the Chicago metropolitan area alone spent \$2.89 billion in 2001, stimulating an additional \$5.45 billion in total local spending and sustaining 31,908 jobs in the local economy.⁸

The Udall Center at the University of Arizona found that the fiscal costs of immigrants, starting with education, totaled \$1.41 billion in 2004, which, balanced against \$1.64 billion in state tax revenue attributable to immigrants as workers, resulted in a fiscal gain of \$222.6 million.⁹ Similarly, in its Special Report about undocumented immigrants in Texas, the Comptroller of

Public Accounts found that in 2005, even counting the costs associated with education, “the state revenues collected from undocumented immigrants exceed what the state spent on services, with the difference being \$424.7 million.”¹⁰

MYTH: Immigrants have a negative impact on the economy and the wages of citizens and take jobs away from citizens.

FACT: Immigration has a positive effect on the American economy as a whole and on the income of native-born workers.

In June 2007, the President’s Council of Economic Advisers (CEA) issued a report on “Immigration’s Economic Impact.” Based on a thorough review of the literature, the Council concluded that “immigrants not only help fuel the Nation’s economic growth, but also have an overall positive effect on the American economy as a whole and on the income of native-born American workers.”¹¹ Among the report’s key findings were that, on average, U.S. natives benefit from immigration in that immigrants tend to complement natives, not substitute for them. Immigrants have different skills, which allow higher-skilled native workers to increase productivity and thus increase their incomes. Also, as the native-born U.S. population becomes older and better educated, young immigrant workers fill gaps in the low-skilled labor markets.¹²

With respect to wages, in a 1997 study, the National Research Council estimated the annual wage gain due to immigration for U.S. workers to be \$10 billion each year¹³ in 2007 CEA estimated the gain at over \$30 billion per year.¹⁴ The CEA acknowledges that an increase in immigrant workers is likely to have some negative impact on the wages of low-skilled native workers, but they found this impact to be relatively small and went on to conclude that reducing immigration “would be a poorly-targeted and inefficient way to assist low-wage Americans.”¹⁵

In addition to having an overall positive affect on the average wages of American workers, an increase in immigrant workers also tends to increase employment rates among the native-born. According to a Pew Hispanic Center study, between 2000 and 2004 “there was a positive correlation between the increase in the foreign-born population and the employment of native-born workers in 27 states and the District of Columbia.” These states included all the major destination states for immigrants and together they accounted for 67% of all native-born workers.¹⁶ California, for example, saw an increase in wages of natives by about four percent from 1990 to 2004—a period of large influx of immigrants to the state—due to the complimentary skills of immigrant workers and an increase in the demand for tasks performed by native workers.¹⁷

MYTH: Immigrants—particularly Latino immigrants—don’t want to learn English.

FACT: Immigrants, including Latino immigrants, believe they need to learn English in order to succeed in the United States, and the majority uses at least some English at work.

Throughout our country’s history, critics of immigration have accused new immigrants of refusing to learn English and to otherwise assimilate. These charges are no truer today than they were then. As with prior waves of immigrants, there is a marked increase in English-language skills from one immigrant generation to the next.¹⁸ In the first ever major longitudinal study of the children of immigrants, in 1992 Rambaut and Portes found that “the pattern of linguistic assimilation prevails across nationalities.” The authors go on to report that “the linguistic outcomes for the third generation—the grandchildren of the present wave of immigrants—will be little different than what has been the age-old pattern in American immigration history.”¹⁹

While many first-generation Latino immigrants are unable to speak English, 88 percent of their U.S.-born adult children report that they speak English very well.²⁰ And studies show that the number rises dramatically for each subsequent generation. Furthermore, similar to other immigrants, Latinos believe that they need to learn English in order to succeed in the United States, and believe they will be discriminated against if they don't.²¹ Most Latino immigrants (67%) report that they use at least some English at work.²²

California's second-generation immigrants experience a large drop in "low levels of English proficiency" compared to first generation immigrants, from 27% to 6%, and the proportion of immigrants with high levels of English proficiency rises from 49% in the first generation to 79% in the second generation. The proportion of both Asian and Latino immigrants, who speak English exclusively rises from 10% in the first generation to 29% in the second and 94% in the third.²³

Notwithstanding the current levels of English language acquisition for the newest wave of immigrants, there is a demand for English language classes that far exceeds the supply and which, if met, would greatly advance immigrants' integration into American social and cultural life.

MYTH: Immigrants don't want to become citizens.

FACT: Many immigrants to the United States seek citizenship, even in the face of difficult requirements and huge backlogs that can delay the process for years.

Most immigrants are ineligible to apply for citizenship until they have resided in the U.S. with lawful permanent resident status for five years, have passed background checks, have shown that they have paid their taxes, are of "good moral character, demonstrate knowledge of U.S. history and civics, and have the ability to understand, speak and write English." In addition, people applying for naturalization have to pay a fee, which increased by 69% in 2007 from \$400 to \$675, making it much harder for low-income immigrants to reach their dream of becoming Americans.²⁴

Despite these barriers, The Pew Hispanic Center's report on U.S. Census data shows that the proportion of eligible immigrants who have acquired citizenship rose to 52% in 2005, "the highest level in a quarter of a century."¹⁵ In the 2007 fiscal year, DHS received 1.4 million citizenship applications—nearly double from last fiscal year²⁶—and between June and July of 2007, naturalization applications increased 350% compared to last year.²⁷ In his testimony to Congress, US Citizenship and Immigration Services (USCIS) Director, Emilio Gonzalez, referred to this increase as "unprecedented in the history of immigration services in our nation."²⁸

Yet, despite the promise by USCIS that backlogs would be eliminated, applications for naturalization can take a year and half to adjudicate and of the 1.4 applications it received in 2007, less than 660,000 have been decided.²⁹

MYTH: Immigrants don't pay taxes.

FACT: Almost all immigrants pay income taxes even though they can't benefit from most federal and state local assistance programs and all immigrants pay sales and property taxes.

According to the 2005 *Economic Report of the President*, "more than half of all undocumented immigrants are believed to be working 'on the books'...[and]... contribute to the tax rolls but are ineligible for almost all Federal public assistance programs and most major Federal-state programs." According to the report, undocumented immigrants also "contribute money to public coffers by paying sales and property taxes (the latter are implicit in apartment rentals)."³⁰

All immigrants (legal and undocumented) pay the same real estate taxes and the same sales and other consumption taxes as everyone else. The University of Illinois at Chicago found in 2002 that undocumented immigrants in the Chicago metro area spent \$2.89 billion annually from their earnings and these expenditures generated \$2.56 billion additional spending for the local economy.³¹

Legal immigrants pay income taxes and indeed many undocumented immigrants also pay income taxes or have taxes automatically withheld from their paychecks—even though they are unable to claim a tax refund, Social Security benefits or other welfare benefits that these taxes support. In the Chicago metro area for example, approximately seventy percent of undocumented workers paid payroll taxes, according to the University of Illinois study from 2002.³² In the Washington Metro Region, immigrants paid the same share of the region's overall taxes (18 percent) as the rest of the population (17.4 percent), according to a 2006 Urban Institute study.³³ This study also points to the fact that immigrants' tax payments support both local and state services in addition to the federal government.

The Social Security Administration (SSA) holds that undocumented immigrants "account for a major portion" of the billions of dollars paid into the Social Security system—an estimated \$520 billion as of October 2005.³⁴ The SSA keeps a file called the "earnings suspense file" on all earnings with incorrect or fictitious Social Security numbers and the SSA's chief actuary stated in 2005 that "three quarters of other-than-legal immigrants pay payroll taxes."³⁵ Their figures show that the suspense file is growing by more than \$50 billion a year, generating \$6 to 7 billion in Social Security tax revenue and about \$1.5 billion in Medicare taxes.

MYTH: Immigrants send all their money back to their home countries instead of spending money here.

FACT: Immigrants do send money to family members, making it possible for more people to stay in their home countries rather than migrating to the United States. Importantly, sending remittances home does not keep immigrants from spending money in the United States.

It's true that remittances are the biggest sources of foreign currency for most Latin American countries and surpass any amount of foreign aid sent by the U.S. The money sent by immigrants to their family members allows many people to stay in their home countries who might otherwise feel compelled to migrate to the U.S.

And while 51 percent of Latino immigrants send remittances home,³⁶ they are spending their money in the United States as well. In fact, a 1998 study found that immigrants become net economic contributors after 10 to 15 years in the U.S.³⁷

In addition to paying taxes and Social Security, immigrants spend money on goods and services in the United States. A study of Latino immigrants in California found significant gains in home ownership between those who had been in this country for ten years (16.4 percent are homeowners) and those who had been here for over thirty years (64.6 percent).³⁸ Furthermore, a 2002 Harvard University study of U.S. Census data found that there were more than 5.7 million foreign-born homeowners in the United States.³⁹ The study found that foreign-born new homeowners are buying their homes by saving more than native-born homebuyers and stretching their incomes more.

While homeownership nationally was approximately 69% in 2006, it was 60% for Asians and 50% for Latinos—each group with large immigrant populations and therefore greater impediments to obtaining bank loans.⁴⁰ Although homeownership is largely correlated with legal status in the U.S., undocumented immigrants are also buying into the "American Dream" of homeownership in some of the most expensive housing markets in the country.⁴¹

MYTH: Immigrants bring crime to our cities and towns.

FACT: Immigrants are actually far less likely to commit crimes than their native-born counterparts. Even as the undocumented population has increased in the United States, crime rates have decreased significantly.

According to a 2000 report prepared for the U.S. Department of Justice, immigrants maintain low crime rates even when faced with adverse social conditions such as low income and low levels of education.⁴²

Although incarceration rates are highest among young low-income men and many immigrants arriving in the U.S. are young men with low levels of education, incarceration rates among young men are invariably lower for immigrants than for their native-born counterparts. This is true across every ethnic group but the differences are especially noticeable among Mexicans, Salvadorans and Guatemalans, who constitute the majority of undocumented immigrants in the United States. Even in cities with the largest immigrant populations, such as New York, Los Angeles, Chicago and Miami, violent and non-violent crime rates have continued to decline.⁴³

Even after taking into account higher deportation rates since the mid 1990's, and reviewing the 1980 and 1990 censuses, the National Bureau of Economic Research (NBER) ascertained that, "18-40 year-old male immigrants have lower institutionalization rates than the native born each year...and by 2000, immigrants have institutionalization rates that are one-fifth those of the native born."⁴⁴ In fact, according to the NBER study, the newly arrived immigrants are particularly unlikely to be involved in crime.

Cities like Hazleton, Pennsylvania have tried to blame a new wave of immigrants for a supposed rise in crime. Yet, Hazleton's own crime statistics taken from the Pennsylvania State Police show that overall crime in the city has decreased and is now less than half of the national average.⁴⁵

MYTH: Most immigrants are undocumented and have crossed the border illegally.


FACT: Two thirds of immigrants are here lawfully—either as naturalized citizens or in some other lawful status. Moreover, almost half of all undocumented immigrants entered the United States legally.

According to the Pew Hispanic Center, one third of all immigrants are undocumented, one third have some form of legal status and one third are naturalized citizens. This applies to immigrants from Latin America as well as others.⁴⁶

Almost half of all undocumented immigrants entered the United States on visas that allowed them to reside here temporarily—either as tourists, students, or temporary workers. This means they were subject to inspection by immigration officials before entering the country,⁴⁷ and became undocumented only when their visas expired and they didn't leave the country

MYTH: Weak border enforcement has led to high rates of undocumented immigration. We should increase enforcement and build a wall around our border.

FACT: Increased border security and the construction of border fences have done little to curb the flow of immigrants across the United States border. Instead, these policies have only succeeded in pushing border crossers into dangerous and less-patrolled regions, and increased the undocumented population by creating an incentive for immigrants not to leave.



Building a wall along the entire 2000-mile southern U.S. border would be prohibitively expensive. According to a study by the Cato Institute, rather than acting as a deterrent to those attempting to cross the border, increased enforcement has only succeeded in pushing immigration flows into more remote, less patrolled regions, resulting in a tripling of the death rate at the border and decreased apprehensions, and creating a dramatic increase in taxpayer money spent on making arrests along the border (from \$300 per arrest in 1992 to \$1,200 per arrest in 2002).⁴⁶

Furthermore, increased border enforcement has actually increased the number of undocumented immigrants in the U.S. at any one time. The increased risk and cost to immigrants of crossing the border has resulted in fewer undocumented immigrants returning to their home countries for periods of time as part of the decades-long circular migration patterns that characterize undocumented immigration from Mexico up until the 1990s. Instead, immigrants stay in the United States for longer periods of time, often choosing to immigrate their families to avoid longer periods of separation.⁴⁷

The Secure Fence Act of 2006 directed the Department of Homeland Security to construct 850 miles of additional border fencing. According to a report by Congressional Research Services, the San Diego fence, combined with increased border patrol agents in the area, succeeded in decreasing border crossing in that region, but at the same time there is considerable evidence that the flow of illegal immigration has shifted to the more remote areas of the Arizona desert, decreasing the number of apprehensions and increasing the cost.⁵⁰

- ¹ National Research Council, *The New Americans: Economic, Demographic, and Fiscal Effects of Immigration*, ed. James P. Smith and Barry Edmonston (Washington, D.C.: National Academy Press, 1997).
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Las Vegas: http://www.reviewjournal.com/lvrj_home/2003/Apr-17-Thu-2003/news/21129278.html
Minnesota: <http://www.auditor.leg.state.mn.us/Ped/pedrep/ecoimpact.pdf>
New York: <http://www.fiscalpolicy.org/immigration2007.html>
North Carolina: http://www.kenan-flagler.unc.edu/assets/documents/2006_KenanInstituteHispanicStudy.pdf
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OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

INTRODUCED BY VICE MAYOR CAMPBELL WASHINGTON, PRESIDENT PRO TEM
REID, COUNCILMEMBER GALLO AND COUNCILMEMBER GUILLEN

RESOLUTION DENOUNCING TACTICS USED TO INTIMIDATE IMMIGRANTS RESIDING IN OAKLAND AND RE-AFFIRMING THE CITY'S DECLARATION AS A CITY OF REFUGE

WHEREAS, since the presidential election, there has been a sense of uncertainty and fear among many immigrant communities in Oakland and across the nation; and

WHEREAS, the United States supported the United Nations adoption of the Universal Declaration of Human Rights which commits member countries to recognize and observe basic human rights; and

WHEREAS, the City of Oakland assures its residents that Oakland is and will remain a sanctuary city; and

WHEREAS, the Oakland City Council wishes to reaffirm the declaration that Oakland is a City of Refuge for immigrants from all countries; 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 reported to the United States Immigration and Customs Enforcement (ICE) agency; and

WHEREAS, the City of Oakland has been on record since July 8, 1986 as a City of Refuge when it adopted Resolution No. 63950; and

WHEREAS, the City of Oakland has a strong tradition of embracing and valuing diversity and respecting the civil and human rights of all residents regardless of their immigration status; and

WHEREAS, the City of Oakland is made up of racially and ethnically diverse individuals, both native born and immigrants, whose collective cultures, backgrounds and viewpoints join to form a highly cosmopolitan community which prides itself on being a place which welcomes persons and families of all backgrounds and nationalities; and

WHEREAS, in the past the Oakland City Council has recognized the contributions of immigrant communities in the City and throughout California, noting that “California’s economy depends heavily on immigrant labor” and that “Oakland has a large immigrant community whose investments have contributed to the revitalization of the City’s neighborhoods”; and

WHEREAS, the Board of Education of the Oakland Unified School District believes that what unites us as Americans is our belief in shared values and in our country, not where one is born and from our nation’s inception, immigrant families have come to the United States for the promise of freedom and the opportunity to provide a better life for their children; and

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

WHEREAS, approximately 31% of all Alameda County residents are foreign born¹, hailing from communities from all over the world, and approximately 43% speak a language other than English at home², and approximately 53% of children in the County live in families where at least one parent was born outside the United States³; and

WHEREAS, the Board of Education of the Oakland Unified School District, by Resolution No. 0809-0050, adopted September 24, 2008, Resolution No. 0910-0182, adopted March 10, 2010, and Resolution number 1213-0126 adopted March 27, 2013, has taken the position that the State of California should protect its students, and many students of similar status, who are hardworking, came to the state as children of undocumented immigrants and graduate from high school, and that this is in the state’s own interest to insure that these students become contributing college educated members of society; and

WHEREAS, the Attorney General of the State of California, relying on the federal Ninth Circuit Court of Appeals decision in *Gonzales v. City of Peoria*, has concluded that the enforcement of the civil provisions of the immigrant law is within the exclusive jurisdiction of the federal government and that local and state officials “have no duty to report to the INS [Homeland Security] knowledge they might have” about a person’s immigration status, and further, that their failure to do so does not constitute any violation of law; 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, increasing the risk of civil liability due to the complexity of civil immigration laws and the lack of training and

¹ U.S. Census available at www.census.gov

² Ibid

³ Kids Data available at www.kidsdata.org

expertise of local police on civil immigration enforcement and detracting from the core mission of the Oakland Police Department to create safe communities; and

WHEREAS, the City Council is greatly concerned about public safety in Oakland and the mission of the Oakland Police Department is to protect the safety of the public against crimes committed by persons who are native born or immigrants; and

WHEREAS, most immigrants in the City are law abiding citizens and are themselves the victims of crime, and the City wishes to foster the trust and cooperation with its immigrant communities and wishes to encourage immigrants to report crime and speak to the police without fear of being arrested or reported to the United States Immigration and Customs Enforcement agency; and

WHEREAS, current Alameda County Sheriff's Office (ACSO) policy allows deputies to respond to ICE Requests for Notification, which are voluntary in nature, and also permits deputies in Alameda County jails to affirmatively inform Immigration and Customs Enforcement agency about the immigration status of particular individuals and the scheduled release time of those individuals so that ICE can detain them upon their release from ACSO custody⁴; and

WHEREAS, the Oakland City Council opposes any Alameda County law enforcement department, agency or office to investigate, question, apprehend, or arrest an individual for an actual or suspected civil violation of federal immigration law; and

WHEREAS, consistent with the law and with Council policy, the Oakland Police Department does not enforce federal civil immigration laws, does not conduct immigration raids, and does not question, detain or arrest individuals solely on the basis that they might be in this country in violation of federal civil immigration laws; now therefore be it

RESOLVED: That the Oakland City Council opposes immigration raids and calls upon the federal government to impose a moratorium in order to protect the civil rights of immigrant communities until such time as the U.S. Congress implements comprehensive immigration reforms that are fair and humane and which recognize the economic and cultural contributions of immigrants and support efforts for universal representation of immigrants in deportation hearings; and be it

FURTHER RESOLVED: That the Oakland City Council reaffirms the declaration that Oakland is a City of Refuge for immigrants from all countries; and be it

FURTHER RESOLVED: That the City of Oakland shall not disclose the identifications or contact information for any cardholders and participants in the City of Oakland's Municipal ID program or any other City program or service that has access to the personal information of Oakland residents; and be it

⁴ General Order 1.24, revised July 6, 2015 Sec. IV(E)(2) and (3).

FURTHER RESOLVED: That the Oakland City Council instructs the City Administrator that she, and all City departments and employees of the City of Oakland subject to her jurisdiction, shall refrain from assisting or cooperating in their official capacity with any Federal immigration investigation, detention or arrest procedures, public or clandestine, relating to alleged violations of the civil provisions of the immigration laws; and

FURTHER RESOLVED: That the Oakland City Council directs the City Administrator to develop and implement plans to protect the personal immigration information of Oakland residents and that the City Administrator and City employees and departments subject to her jurisdiction, shall not, to the extent legally permissible, request information about or disseminate information regarding the immigration status of any individual, or condition the provision of City of Oakland services or benefits upon immigration status unless required to do so by statute, federal regulation or court decision; and be it

FURTHER RESOLVED: That the Oakland City Council re-affirms that all applications, questionnaires and interview forms used in relation to City of Oakland benefits, opportunities or services shall be reviewed and any question regarding citizenship status, other than those required by statute, federal regulation or court decision, should be deleted; and be it

FURTHER RESOLVED: That the Oakland City Council urges Governor Brown and all state representatives to act with urgency to make the entire state of California into a sanctuary for immigrants or "State of Refuge" and to use our state's economic leverage to protect our cities from sanctions while protecting families from gross violations of civil rights; and be it

FURTHER RESOLVED: That in accordance with State and Federal laws, the City Administrator and employees subject to her jurisdiction, including members of the Oakland Police Department, shall not enforce Federal civil immigration laws and shall not use city monies, resources or personnel to investigate, question, detect or apprehend persons whose only violation is or may be a civil violation of immigration law; and be it

FURTHER RESOLVED: That in accordance with State and Federal laws the Oakland Police Department will continue to cooperate with Federal immigration agencies in matters involving criminal activity and the protection of public safety; and be it

FURTHER RESOLVED: That nothing in this resolution shall be construed to prohibit the City Administrator or City employees and Oakland police officers subject to her jurisdiction from cooperating with Federal immigration agencies when they are required to do so by statute, Federal regulation, court decision or a legally binding agreement.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN,
REID AND PRESIDENT GIBSON MCELHANEY

NOES –

ABSENT –

ABSTENTION –

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of the City
of Oakland, California

BOARD OF SUPERVISORS



RICHARD VALLE
Supervisor, District 2

September 8, 2016

The Honorable Board of Supervisors
County Administration Building
1221 Oak Street
Oakland, CA 94612

Dear Board Members:

Subject: Approve the Resolution Regarding Upholding Due Process and Protecting Civil Rights of Immigrant Residents

RECOMMENDATION:

It is recommended that your Board approve the Resolution regarding Upholding Due Process and Protecting Civil Rights of Immigrant Residents that reaffirms Alameda County's commitment to ensuring the health, well-being, and civil rights of all people regardless of their immigration status.

DISCUSSION/SUMMARY:

On April 23, 2013, the Board previously resolved that federal deportation programs that enlist local law enforcement to enforce federal civil immigration law undermine community trust, have resulted in the separation of families, and have raised serious civil liberties, racial profiling, local resource, and liability concerns.

After years of advocacy, the Department of Homeland Security acknowledged significant opposition to and fundamental flaws with the "Secure Communities" (S-Comm) program, and rather than discontinuing the program, it recreated S-Comm's flaws in the Priority Enforcement Program (PEP) which continues to facilitate the transfer of individuals to ICE in a flawed fashion, and with the voluntary cooperation of local law enforcement.

Current Alameda County Sheriff's Office (ACSO) policy allows deputies to respond to ICE Requests for Notification, which are voluntary in nature, and also permits deputies in Alameda County jails to affirmatively inform ICE about the immigration status of particular individuals and the scheduled release time of those individuals so that ICE can detain them upon their release from ACSO custody.

Our County is home to persons of diverse racial, ethnic, and national backgrounds, including many immigrants, which is a great cause for celebration and creates diversity and strengthens our democracy.

Approximately 31% of all County residents are foreign born, hailing from Latin America, Asia, Africa, and beyond, and approximately 43% speak a language other than English at home and approximately 53% of children in the County live in families with at least one parent born outside the U.S.

We aspire to be a model for inclusion and equity for all populations, including immigrants, refugees, and other newcomers, through the County's commitments to support the ongoing inclusion and long-term economic and social integration of newcomers.

Fostering a relationship of trust, respect, and open communication between County employees and County residents is essential to the County's core mission of ensuring public safety and serving the needs of the entire community. I firmly believe that our involvement with ICE's Priorities Enforcement Program is counter to said mission.

On September 8, 2016, Public Protection Committee received a presentation regarding PEP and advanced the resolution before you to the full Board for consideration. The Power Point presentation along with the resolution are attached to this Board letter.

I respectfully request the Board support the resolution reaffirming Alameda County's commitment to ensuring the health, well-being, and civil rights of all people regardless of their immigration status.

SELECTION CRITERIA

N/A

FINANCING

Approval of the attached resolution will have no impact on the County General Fund.

Sincerely,

A handwritten signature in cursive script that reads "Richard Valle".

Richard Valle
Supervisor, District 2

Cc: Auditor-Controller

County Administrator
County Counsel

Attachment:

Resolution Regarding Upholding Due Process and Protecting Civil Rights of Immigrant Residents
S-Comm to PEP, Immigration Enforcement in Alameda County Jail

SComm to PEP

Immigration Enforcement in Alameda County Jail

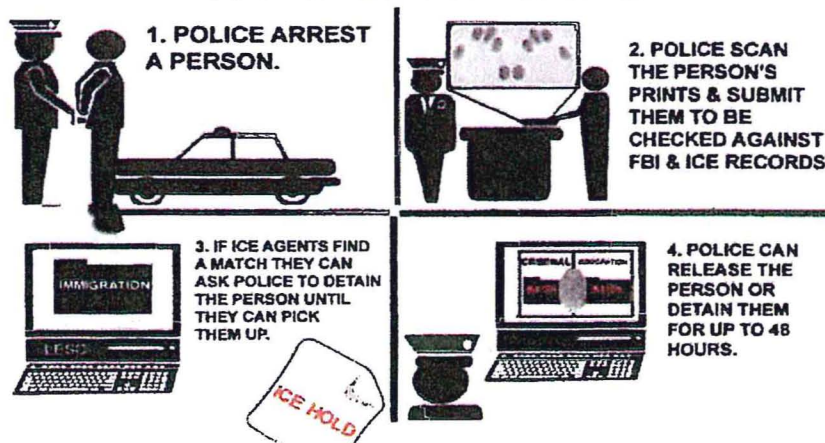
Lena Graber
Immigrant Legal Resource Center
July 13, 2016



Secure Communities

- **Secure Communities ("S-Comm"):** sends fingerprint data from booking at the local jail to check against immigration databases

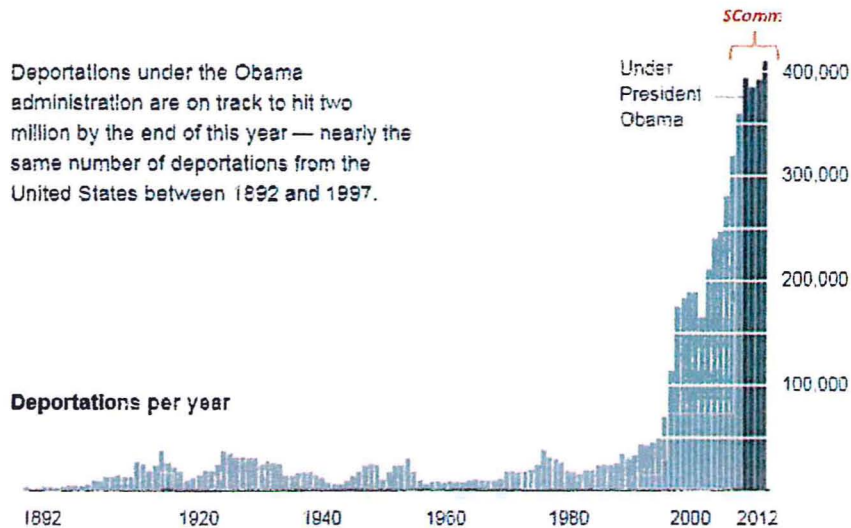
How S-Comm Works





Skyrocketing Deportations

Deportations under the Obama administration are on track to hit two million by the end of this year — nearly the same number of deportations from the United States between 1892 and 1997.



NYTimes, Feb. 22, 2013



Skyrocketing Complaints

Family Separation

- Fear and suffering in immigrant communities
- Thousands of children in foster care because parents deported

Racial Profiling

- Low level arrests of Latinos
- Deportations of people with little or no criminal history
- Detainers on citizens and non-deportable immigrants

No Access to Justice

- Domestic violence victims deported after calling for help
- Fear of reporting crime

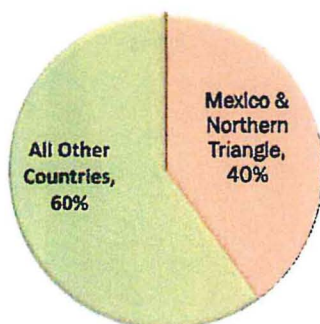
Interference with Criminal Justice System

- Immigrants unable to get out on bail
- Deportations in the middle of proceedings
- Jails mishandling detainees

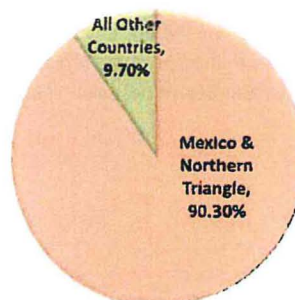


Racial Profiling in Immigration Enforcement

Origin of Immigrants in Alameda County



Transfers to ICE from Alameda County



Data from a FOIA of the Criminal Alien Program FY2013



Constitutional Problems

Federal courts said that holding people on ICE detainers is unconstitutional.



In Galarza v. Szalczyk, the Third Circuit held that:

1. Detainers are requests, not commands from ICE
2. Local jails that hold someone illegally on a detainer can be liable

In Morales v. Chadbourne, the Rhode Island Federal District Court held that:

1. Holding someone on an ICE detainer is a *new arrest*
2. Detaining someone to investigate their immigration status violates the 4th Amendment

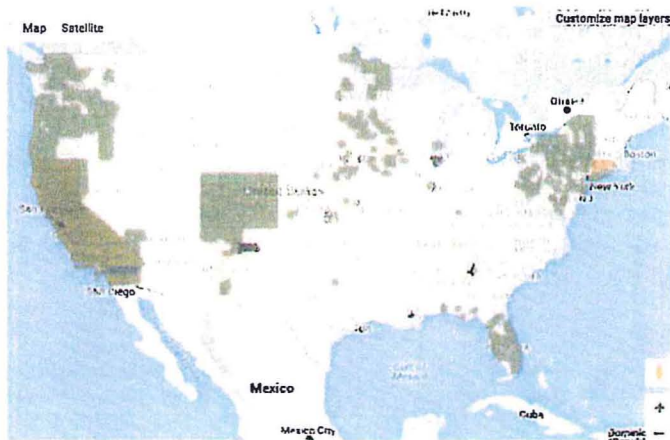
In Miranda-Olivares v. Clackamas County, the Oregon Federal District Court held that:

1. ICE detainer did not provide probable cause for arrest
2. Clackamas County had unlawfully detained Miranda-Olivares and owed her damages



Policies against SComm and Detainers

As a result of the news that jails could be liable for damages for constitutional violations if they hold people on ICE detainers...



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7



PEP-Comm

DHS lost the fight over SComm and detainers.

So with DAPA, they announced PEP:

“THE PRIORITY ENFORCEMENT PROGRAM”

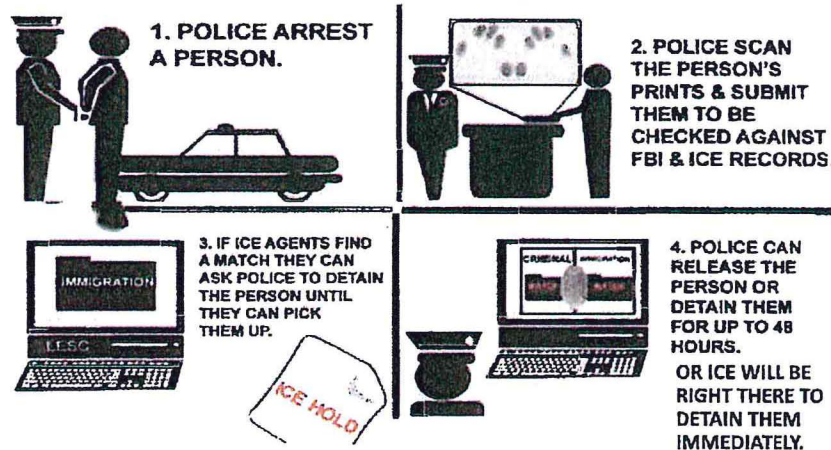
Under PEP, local jails send fingerprints to ICE to check against immigration databases. Based on those fingerprints, ICE sends custody transfer requests to the jail.

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8

- **Secure Communities**: sends fingerprint data from booking at the local jail to check against immigration databases

How **PEP** S-Comm Works



Problems with Secure Communities

Problems of SComm

- Family Separation
- Racial Profiling
- Isolation of Immigrant Communities
- Undermining Community Policing
- Interference with Criminal Justice Process and Bail
- High error rate on citizens and permanent residents
- Unconstitutional arrests on detainees



Problems of PEP

- Family Separation
- Racial Profiling
- Isolation of Immigrant Communities
- Undermining Community Policing
- Interference with Criminal Justice Process and Bail
- High error rate on citizens and permanent residents
- ~~Unconstitutional arrests on detainees~~

Questions?



ilrc

IMMIGRANT LEGAL
RESOURCE CENTER

Local Impact of PEP in Alameda County

Laura Polstein
Centro Legal de la Raza
ACUDIR - Alameda County United in Defense of Immigrant Rights
July 13, 2016

How did we get here?

Scomm: 2010, Sheriff Ahern one of first Sheriffs to opt-in to S-Comm

Due Process: 2013, Board passes resolution affirming due process; 2014, end of ICE holds

PEP: 2015, DHS targets Alameda to roll-out PEP, Sheriff changes policy



Why do we need this Resolution?

Transparency

Promote Public Safety

Ensure Fairness and
Equal Treatment



[Lack of] Transparency

- Sheriff changed policy on July 6, 2015 without consulting key stakeholders such as Board or ACUDIR
 - Should have known that stakeholders cared about this issue since passage of 2013 Due Process Resolution and public campaign
- ACUDIR immediately requested a meeting to discuss, were put off until September 2015
- There was no opportunity for public comment or input
- Nationally, PEP rollout was characterized by opacity and secret meetings

Public Safety



Fairness and Equal Treatment



What happens when ICE gets involved?



Proposed Solution

- Pass resolution to Uphold Due Process and Protect Civil Rights of Immigrant Residents
- Continue supporting TRUTH Act
- Urge Sheriff to change policy

Thank You!

COUNTY OF ALAMEDA BOARD OF SUPERVISORS

RESOLUTION NUMBER:

Resolution Regarding Upholding Due Process and Protecting Civil Rights of Immigrant Residents

WHEREAS, there has been a vicious flare of anti-immigrant sentiment in the United States, with political figures demonizing Latino immigrants by using racist and xenophobic rhetoric, inspiring hate crimes based on perceived immigration status¹; and

WHEREAS, federal immigration raids across the country, a practice which the current Presidential Administration has said that it will continue, have spurred an additional wave of fear and panic among immigrant communities; and

WHEREAS, the County of Alameda is home to persons of diverse racial, ethnic, and national backgrounds, including many immigrants, which is a great cause for celebration and creates diversity and strengthens our democracy; and

WHEREAS, approximately 31% of all County residents are foreign born², hailing from Latin America, Asia, Africa, and beyond, and approximately 43% speak a language other than English at home³, and approximately 53% of children in the County live in families with at least one parent born outside the U.S.⁴; and

WHEREAS, the County aspires to be a model for inclusion and equity for all populations, including immigrants, refugees, and other newcomers, through its commitments to support the ongoing inclusion and long-term economic and social integration of newcomers; and

WHEREAS, the Board of Supervisors recognizes that fostering a relationship of trust, respect, and open communication between County employees and County residents is essential to the County's core mission of ensuring public safety and serving the needs of the entire community; and

WHEREAS, racial disparities in the nation's criminal justice system and a system increasingly referred to as "mass incarceration" have received unprecedented national attention; and

WHEREAS, the Alameda County Sheriff's Office and Alameda County Probation Department both report significant reductions in incarceration and detention rates; and

¹ Telesur, "4 Examples of Trump-Inspired Hate Crimes", (March 1, 2016) available at <http://www.telesurtv.net/english/news/4-Examples-of-Trump-Inspired-Hate-Crimes-20160301-0030.html>

² U.S. Census available at <https://www.census.gov/quickfacts/table/VET605214/06001>

³ U.S. Census available at <https://www.census.gov/quickfacts/table/HSD410214/06001>

⁴ Kids Data available at <http://www.kidsdata.org/topic/573/foreign-parents250/table#fmt=786&loc=127&tf=79&sortColumnId=0&sortType=asc>

WHEREAS, The County, including the District Attorney’s Office, the Public Defender’s Office, the Alameda County Sheriff’s Office and the Probation Department, has a long-standing commitment to the rehabilitation of residents who have had criminal offenses, including through the support of State advances such as Prop 47 and AB-109 which stand for second chances, and recognize the full humanity and potential of such individuals; and,

WHEREAS, the State of California has enacted legislation ensuring that immigrant victims and witnesses to violent crime have equal access to justice,⁵ prosecutors consider the immigration consequences of a noncitizen defendant’s criminal charges in furtherance of justice,⁶ and the confidentiality of all juvenile information and records is protected from federal officials regardless of immigration status⁷; and,

WHEREAS, the District Attorney's Office created the First Victim-Witness Assistance Program in the nation that provides services and support to all victims of crime and the Alameda County Justice Center that provides services to victims of domestic violence and their children and victims of sexual assault and child sexual abuse, to victims of human trafficking of all forms, to elders who have suffered abuse at the hands of another; and,

WHEREAS, the District Attorney's Office assists victims, irrespective of their legal status in the U.S., in obtaining U-Visas and T-Visas so victims of domestic violence and human trafficking can stay in the country and receive public benefits; and,

WHEREAS, the Board has previously resolved that federal deportation programs that enlist local law enforcement to enforce federal civil immigration law undermine community trust, have resulted in the separation of families, and have raised serious civil liberties, racial profiling, local resource, and liability concerns⁸; and,

WHEREAS, after years of advocacy, the Department of Homeland Security acknowledged significant opposition to and fundamental flaws with the “Secure Communities” program, but rather than discontinuing the program, it recreated S-Comm’s flaws in the Priority Enforcement Program (PEP) which continues to facilitate the transfer of individuals to ICE in a flawed fashion, and with the voluntary cooperation of local law enforcement; and

WHEREAS, current Alameda County Sheriff's Office (ACSO) policy allows deputies to respond to ICE Requests for Notification, which are voluntary in nature, and also permits deputies in Alameda County jails to affirmatively inform ICE about the immigration status of particular individuals and the scheduled release time of those individuals so that ICE can detain them upon their release from ACSO custody;⁹ and

⁵ Cal. Penal Code §679.10

⁶ Cal. Penal Code §§ 1016.2 and 1016.3

⁷ Cal. Welfare & Institutions Code § 831

⁸ Resolution Regarding Civil Immigration Detainer Requests, April 23, 2013

⁹ General Order 1.24, revised July 6, 2015 Sec. IV(E)(2) and (3).

WHEREAS, The Board of Supervisors has previously resolved that it “does not support the use of Sheriff’s Office personnel and County time or resources responding to ICE inquiries or communicating with ICE regarding individuals’ incarceration status or release dates,” absent a criminal warrant or a legitimate law enforcement purpose unrelated to immigration laws, and does not “support ICE agents being given access to inmates held in criminal custody or using County facilities for investigative interviews with such inmates;”¹⁰ and,

WHEREAS, any cost associated with involvement with ICE is generally passed on to the county, including costs brought on by exposure to legal liability, despite the fact that federal immigration enforcement is extremely well funded, with the U.S. spending 18 billion on immigration enforcement in 2012 alone,¹¹ and,

WHEREAS, ensuring the health, well-being, and civil rights of all people regardless of their immigration status, through a dynamic and responsive process that respects the community’s diversity, is a shared responsibility between the Board, the Sheriff, and County agencies;

NOW, THEREFORE BE IT RESOLVED, THAT:

- A. The Board acknowledges the discretionary nature of any entanglement with federal immigration authorities including but not limited to, responding to “ICE Requests for Notification”, to ICE hold or detainer requests, “ICE warrants,” as well as providing ICE access to interview inmates and access to local databases, and expresses its opposition to the entanglement of County law enforcement departments, agencies, offices, officers, and employees with the enforcement of civil federal immigration laws.
- B. The Board expresses its opposition to any County law enforcement department, agency, office, officer, or employee initiating any inquiry or enforcement action based solely on a person’s actual or suspected immigration status, national origin, race, ethnicity, and/or English proficiency.
- C. The Board of Supervisors does not support any law enforcement policy that would deny or limit due process of law or equal protection of the laws to any individual because of the individual’s civil immigration status or the presence of any Immigration Customs and Enforcement (ICE) “notification request.”
- D. The Board expresses its opposition to the use of County funds, resources or personnel by any County law enforcement department, agency, or office to investigate, question,

¹⁰ Resolution Regarding Civil Immigration Detainer Requests, April 23, 2013

¹¹ In 2012, the U.S. spent 18 billion on immigration enforcement. This is more than was spent on the FBI, DEA, Secret Service, and all other federal criminal law enforcement agencies combined. Doris Meissner et al., *Immigration Enforcement in the United States: The Rise of a Formidable Machinery*, Migration Policy Institute (January 2013), <http://www.migrationpolicy.org/pubs/pillars-reportinbrief.pdf>

apprehend, or arrest an individual for an actual or suspected civil violation of federal immigration law.

- E. The Board of Supervisors reaffirms that it does not support the use of any county agencies' personnel, time or resources in initiating contact with ICE. The Board further states that unless ICE agents have a valid judicial warrant, or County officials have a legitimate law enforcement purpose that is not related to the enforcement of civil immigration laws, ICE agents should not be given access to individuals or be allowed to use County facilities for investigative interviews or other purposes, and the Board does not support County agencies' personnel expending County time or resources responding to ICE inquiries or communicating with ICE regarding individuals' current criminal case status including pending criminal charges, probation status, incarceration status, or release dates.
- F. The Board reaffirms that, with regard to juveniles, the Probation Office and all other county offices should continue to respect juvenile confidentiality for all minors regardless of immigration status pursuant to the recently enacted California Welfare & Institutions Code § 831, which prohibits agencies from sharing any juvenile information or records with federal officials including Department of Homeland Security and ICE except where there is a court order signed by the juvenile court allowing for the sharing of designated information and files.
- G. The Board supports the District Attorney's Office's commitment to continue to consider the avoidance of adverse immigration consequences in the plea negotiation process as one factor in an effort to reach a just resolution in the case of a noncitizen defendant pursuant to the recently enacted California Penal Code § 1016.3.
- H. The Board supports that all County law enforcement agencies will continue to support immigrant crime victims and witnesses and encourage them to come forward to report crime by providing certification of their cooperation (which is needed to obtain humanitarian visas known as the "U Visa") in a fair and timely manner, pursuant to the newly enacted Cal. Penal Code § 679.10.
- I. The Board supports the Public Defender's efforts to provide representation to immigrants facing deportation through their Immigration Representation Project.
- J. The Board supports efforts to bring immigrants, refugees and other newcomers together with the broader community to develop policies, programs, and initiatives that build welcoming communities.
- K. The Board urges the Obama administration to suspend "PEP" and similar initiatives.

L. The Board commits to continuing a dialogue with all stakeholders in Alameda County concerning inequities in the nation's criminal justice and incarceration systems.

THE FOREGOING was **PASSED** and **ADOPTED** by a majority vote of the Alameda County Board of Supervisors this ____ day of September 2016, by the following vote:

AYES:

NOES:

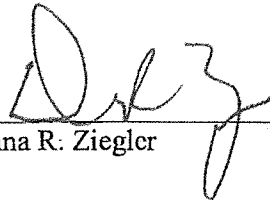
EXCUSED:

Scott Haggerty
PRESIDENT, BOARD OF SUPERVISORS

Attest:
Clerk, Board of Supervisors

Approved as to Form:
Donna R. Ziegler
County Counsel

By _____



Donna R. Ziegler