

HAYWARD CITY COUNCIL

RESOLUTION NO. 17-

RESOLUTION Affirming the City's Commitment to the Values of Dignity, Inclusivity, and Respect for All Individuals, Regardless of National Origin, Gender, Gender Identity, Race, Religious Affiliation, Sexual Orientation, or Immigration Status, and Declaring Hayward a Sanctuary City

WHEREAS, the City of Hayward recognizes that the Constitution of the United States and Constitution of the State of California enshrine the fundamental and inalienable rights of Americans, including the freedom of religion, freedom of speech, right to assembly, right to privacy and equal protection under the law for all persons, regardless of religious affiliation, race, national or ethnic origin, gender, gender identity, sexual orientation, or immigration status; and

WHEREAS, each of the City of Hayward's duly elected or appointed public servants have sworn to defend and uphold the United States Constitution and the Constitution of California; and

WHEREAS, immigration has been a cornerstone of the City, the region, the state, and the nation's development throughout history; and

WHEREAS, the City of Hayward welcomes, honors, and respects the contributions of all residents, regardless of their religious affiliation, race, national or ethnic origin, gender, gender identity, sexual orientation, or immigration status; and

WHEREAS, the Truth Act was signed into law on September 28, 2016, which states that if U.S. Immigration and Customs Enforcement (ICE) notifies a California jail that it plans to deport someone, it has to serve a copy upon that person jail, thereby providing that person the "right to know" so they can seek counsel; and

WHEREAS, Hayward Police Department equally enforces the laws and serves the public without consideration of immigration status, and an individual person's lack of immigration documentation, alone, has no bearing on the manner in which police officers execute their duties; and

WHEREAS, the Hayward Police Department has policies and practices that prohibit police officers from detaining an individual, for any length of time, solely for a civil violation of federal immigration laws. Consistent with state law, local practice is that individuals who are otherwise ready to be released are not further detained solely for the purpose of providing notification to immigration authorities; and

WHEREAS the City of Hayward's diverse population of different religious affiliations, races, national and ethnic origins, genders, sexual orientations, and immigration statuses positively contribute to the economic and social fabric of the City; and

WHEREAS fostering a relationship of trust, respect, and open communication between City officials and residents is essential to the City's mission of delivering effective public services in partnership with the community, thereby advancing public safety and a high quality of life for residents; and

WHEREAS the City of Hayward seeks to foster trust between City officials and residents to protect limited local resources, while encouraging cooperation to ensure public safety and due process for all, irrespective of immigration status; and

WHEREAS the City of Hayward desires to demonstrate its commitment to its residents by unequivocally declaring that it will safeguard the values enshrined in the U.S. and State Constitutions by providing a safe community and by assuring them that the City will not expend any funds nor use its limited resources to administer federal immigration laws that are under the exclusive domain of the federal government.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward does hereby resolve as follows:

1. In accordance with State and Federal law, City of Hayward officials, including its law enforcement officers, shall not actively collaborate with federal agents solely for the purpose of enforcing federal immigration law and shall not use City resources or personnel to investigate, question, detain, apprehend, and/or register persons based solely on a civil violation of federal immigration law; and
2. City of Hayward officials, including its law enforcement officers, shall not take any direct action against any individual based solely on their actual or perceived immigration status, nor shall any individual be held in local custody solely for a civil immigration hold unless the individual has been convicted or charged with certain serious offenses, or is a sex or arson registrant; and
3. City of Hayward officials will not use any public resources or follow any federal program requiring the registration of individuals on the basis of religious affiliation, race, national or ethnic origin, gender, gender identity, or sexual orientation; and
4. The City of Hayward shall review its policies to ensure that they reflect Hayward's status as a Sanctuary City, including the possibility of revision to other City policies such that they comply with the spirit and intent of this Resolution; and

5. In accordance with State and Federal law, City of Hayward officials, including its law enforcement officers, may cooperate with federal immigration agencies in matters that involve criminal activity, and the protection of public safety; and

6. The City of Hayward hereby declares that it is a Sanctuary City.

IN COUNCIL, HAYWARD, CALIFORNIA June 6, 2017

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