

ORDINANCE NO. Introduction (CM)**AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE RELATING TO THE CITY'S PROCEDURES CONCERNING FEDERAL IMMIGRATION LAW AND REAFFIRMING ITS DECLARATION AS A SANCTUARY FOR ALL ITS RESIDENTS**

THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. ENACTMENT.

(a) One of the most important civil rights issues in the country is immigrant rights. Some Watsonville residents have no documentation to prove that they are either citizens of the United States or non-citizens residing in the United States with the permission of the United States Government.

(b) The City of Watsonville has for 150 years embraced and welcomed individuals of diverse racial, ethnic, religious, and national backgrounds, including a large immigrant population.

(c) The City of Watsonville welcomes, honors, and respects the contributions of all of its residents, regardless of their immigration status.

(d) Immigrants and their families in Watsonville contribute to the economic and social fabric of the City by establishing and patronizing businesses, working for both growers and food processors in the Pájaro Valley, participating in the arts and culture, and achieving significant educational accomplishments.

(e) Fostering a relationship of trust, respect, and open communication between City officials and residents is essential to the City's mission of delivering efficient public services in partnership with our community, which ensures public safety, a prosperous economic environment, opportunities for our youth, and a high quality of life for residents.

(f) Immigration and Customs Enforcement raids in private homes, churches, schools and service agencies are inhumane, discriminatory and may violate constitutional protections.

(g) The City now wishes to enact specific procedures consistent with Resolution No. 98-07 (CM) from 2007, and reaffirm the City's commitment to social justice and inclusion, as follows:

SECTION 2. PURPOSE AND INTENT.

The purpose of this ordinance is to reaffirm the City of Watsonville's status as a Sanctuary City and to establish the City's procedures concerning immigration status and enforcement of federal civil immigration laws.

SECTION 3. REQUESTING OR MAINTAINING INFORMATION PROHIBITED.

No City department, officer, employee or agent shall enforce Federal civil immigration laws or use city monies, resources or personnel to investigate, question, detect, apprehend or question a person on the basis of his or her immigration status except as allowed by this ordinance.

SECTION 4. DISCLOSING INFORMATION PROHIBITED.

No City agency, department, officer, employee, or agent shall disclose information about a person's immigration status except as authorized by this ordinance.

SECTION 5. USE OF CITY RESOURCES PROHIBITED.

Unless such assistance is required by any valid and enforceable federal or state law, no City department, officer, employee, or agent shall use City funds, resources, facilities, property, equipment, or personnel (collectively "City resources") to assist in the enforcement of federal immigration law, including, but not be limited to, using City resources for the purpose of:

(a) identifying, investigating, arresting, detaining, or continuing to detain a person solely on the belief that the person is not present legally in the United States or that the person has committed a violation of immigration law;

(b) assisting with or participating in any immigration enforcement operation or joint operation;

(c) arresting, detaining, or continuing to detain a person based on any immigration detainer or federal administrative warrant, when such immigration detainer or administrative warrant is based solely on a violation of federal immigration law, or otherwise honoring any such detainer, warrant, or request to detain, interview, or transfer;

(d) notifying federal authorities about the release or pending release of any person detained for immigration purposes;

(e) providing federal authorities with non-public information about any person's immigration status for immigration enforcement purposes; or

(f) enforcing any federal program requiring the registration of individuals on the basis of religious affiliation or ethnic or national origin. Nothing in this Section shall prevent the City, including any agency, department, officer, employee, or agent of the City, from lawfully discharging his or her duties in compliance with and in response to a lawfully issued judicial warrant or subpoena.

SECTION 6. EXCEPTIONS.

Nothing in herein shall prevent the City, including any agency, department, officer, employee, or agent of the City, from lawfully discharging his or her duties in compliance with and in response to a lawfully issued judicial warrant or subpoena. In addition, the restrictions of this ordinance shall not apply: (i) where the individual to

whom such information pertains provides his or her consent to disclosure of such information (or if such individual is a minor, the consent of that person's parent or guardian); (ii) where disclosure of such information is necessary to provide a City service; (iii) to actions taken or disclosures made as necessary to prevent an imminent threat to public health or safety; or (iv) as otherwise required by state or federal law or judicial decision.

SECTION 7. ORDINANCE NOT TO CONFLICT WITH FEDERAL LAW.

Nothing in this ordinance shall be construed or implemented to conflict with any valid and enforceable duty and obligation imposed by a court order or any federal, state or otherwise applicable law.

SECTION 8. NO PRIVATE RIGHT OF ACTION.

This ordinance does not create or form the basis of liability on the part of the City, its agencies, departments, officers, employees, or agents. It is not intended to create any new rights for breach of which the City is liable for money or any other damages to any person who claims that such breach proximately caused injury. The exclusive remedy for violation of this ordinance shall be through the City's personnel policies and procedures for employees under applicable City regulations.

SECTION 9. DISSEMINATION.

This ordinance shall be disseminated to all departments of the City, whose respective administrative policies shall be modified as necessary to ensure consistency herewith.

SECTION 10. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of

competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Watsonville hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions were to be declared invalid or unconstitutional.

SECTION 11. PUBLICATION.

This ordinance shall be published in the Watsonville Register-Pajaronian and/or Santa Cruz Sentinel in compliance with the provisions of the Charter of the City of Watsonville.

SECTION 12. EFFECTIVE DATE.

This ordinance shall be in force and take effect thirty (30) days after its final adoption.
