**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2017-\_\_**

**INTRODUCED BY:**

Councilor Joseph M. Maestas

Councilor Renee D. Villarreal

**A RESOLUTION**

**REAFFIRMING, WITH PRIDE, THE STATUS OF THE CITY OF SANTA FE AS A SANCTUARY FOR IMMIGRANTS AND CALLING FOR THE STRENGTHENING OF POLICIES THAT WILL REINFORCE THIS STATUS.**

**WHEREAS**, over the past 400 years, Santa Fe has been a home to many immigrants who come here seeking a better life for themselves and their families; and

 **WHEREAS**, the voters of the City of Santa Fe, as a means to maximize their self-determination and self-government, adopted a home rule charter on December 9, 1997 and subsequent charter amendments in 2008 and 2014; and

 **WHEREAS**, the Preamble of the City Charter pointedly declares: “We, the people of Santa Fe, a capital city for four centuries, a community with rich and lasting multi-cultural traditions and a history of tolerance towards all peoples, cultures, traditions, and lifestyles, recognize our right to define our way of life and our form of government;” and

 **WHEREAS**, the Governing Body of the City of Santa Fe, with broad support from law enforcement, faith, business, labor, and community organizations, has had a consistent and lengthy record of adopting policies that welcome, integrate and protect immigrant workers and their families in the local community; and

 **WHEREAS**, through the adoption of Resolution No. 1985-129 the Governing Body declared Santa Fe a city of refuge for refugees from El Salvador and Guatemala; and

 **WHEREAS**, through the adoption of Resolution No.1999-6 the Governing Body declared a policy of non-discrimination on the basis of a person’s national origin and that the City of Santa Fe will be a community where all persons will be treated equally with respect and dignity regardless of their immigration status; and

 **WHEREAS**, the Governing Body has long recognized the contributions made to the City’s economy and its culture by the community of immigrants, who make up approximately 15% of the city’s population, constitute a younger work force, live in mixed-status families with U.S. citizen children and are long-time residents of the City; and

 **WHEREAS**, the Governing Body firmly believes that the involvement of local government in enforcement of federal civil immigration laws undermines a productive and trusting relationship with the immigrant community; and

 **WHEREAS**, the Tenth Amendment to the Constitution of the United States provides that the powers that are not delegated expressly or by implication to the United States, or prohibited to the States, are reserved to the States, respectively, or to the people, and has been interpreted by the U.S. Supreme Court to preclude the Federal government from compelling or commandeering any State or local government, either directly or by the use of coercive threats to withhold federal funding, to adopt federal programs or enforce federal laws, including immigration laws; and

 **WHEREAS**, the Governing Body, in the exercise of its authority under the Tenth Amendment, decided 18 years ago to refuse assistance from the federal government in the enforcement of federal civil immigration laws, and, to that effect, enacted Resolution No. 1999-6, which declares that no municipal resources will be used to identify or apprehend any non-citizen resident on the sole basis of immigration status, unless otherwise lawfully required to do so; and

 **WHEREAS**, the Governing Body and the City Manager of the City of Santa Fe have since implemented the letter and spirit of Resolution No. 1999-6 by taking the following steps to maintain and improve the city’s relationship with the immigrant community:

 1. Establishing an Immigration Committee to provide continuous community input to the Governing Body on policies affecting immigrants; and

 2. Adopting policies narrowly restricting cooperation between the police department and federal immigration authorities; and

 **WHEREAS**, by all these means, the Governing Body, the City Manager, and employees of the City of Santa Fe have established a sound and healthy relationship with the City’s immigrant community that has substantially contributed to the safety and well-being of all the City’s residents.

 **WHEREAS**, the Governing Body believes that this relationship would be undermined by any retreat from its longstanding support of immigrant-friendly policies or by adoption of such contrary policies as the use of “e-verify,” which evidence indicates relies on an unreliable and error-prone data base and creates substantial delays in hiring and disruptions in the labor market, and the use of “immigration detainers,” which have been found by federal courts to violate the Fourth amendment to the U.S. Constitution and to exceed the government’s limited warrantless arrest authority under federal law, exposing local governments to substantial damages for civil rights violations.

 **NOW THEREFORE BE IT RESOLVED** that the Governing Body of the City of Santa Fe proudly reaffirms the policies by reason of which the city has been designated a sanctuary for immigrants.

 **BE IT FURTHER RESOLVED** that the city’s status as a sanctuary for immigrants shall be amplified and strengthened by adoption and implementation of the following policies:

 1. No employee of the City of Santa Fe shall make or initiate any inquiry regarding the immigration status of any person, and any information about the immigration status of any person that nevertheless comes into the possession of a City employee shall be treated as confidential and shall not be disclosed to any agency outside City government. 2. The City Manager shall see to the development and implementation by the City of Santa Fe Police Department of policies and procedures to facilitate applications for U-Visa status by immigrants who have been the victims of crimes, and shall ensure that the policies and procedures so developed and implemented include a requirement that all such applications be reviewed on their merits and a rebuttable presumption, to be employed in reviewing each such application, that the applicant has been helpful, is being helpful or is likely to be helpful in the detection or investigation of the qualifying criminal activity.  The City Manager shall, within 60 days of passage of this resolution, provide to the Governing Body a copy of such policies and procedures as approved and reviewed by the appropriate parties.  The City Manager shall provide to the City’s Public Safety Committee and Immigration Committee, quarterly and upon request, a report of the number of applications for U-Visa certifications received and the number of certifications issued.

 3. To the extent practicable and legally permissible, City elected and appointed officials and employees shall endeavor to prevent the use of City resources for the enforcement of federal immigration laws, and shall refuse access to all non-public areas of City property by federal immigration agents who do not present a warrant issued by a federal court specifically requiring such access.

 4. All City departments and employees shall accept driving authorization cards and non-Real-ID compliant identification cards issued by the New Mexico Motor Vehicle Division (MVD) for all of the purposes for which they would accept Real-ID-compliant drivers’ licenses and identification cards issued by the MVD.

 5. City departments shall not use the voluntary federal e-verify system to investigate or determine the work eligibility of applicants for city employment, and shall not honor detainers received from federal immigration authorities.

 6. The City commits to improve language access to City services and programs for its diverse multilingual residents, and to that end the City Manager shall undertake a review of language barriers throughout City government that may limit such access and recommend to the Governing Body a means to address any identified barriers including the need for professional translation and interpretation services with the goal of improving access to City services and programs by non-English speakers, and to include in the FY 2018 and future budget proposals funds necessary to cover the costs thereof.

 7. The City Manager, within 60 days of the passage of this resolution, shall prepare and present to the Governing Body a plan, including an assessment of budgetary needs, for working through legal advocacy groups and community partners to  provide community outreach and education regarding the city’s sanctuary policy and the civil rights of immigrant and non-immigrant residents, including information for private employers and businesses about rights and responsibilities during immigration enforcement operations.

 8. The Governing Body of the City of Santa Fe commits to form a working group with the Board of Commissioners of Santa Fe County and the governing boards of Santa Fe Public Schools and the Santa Fe Community College District, and other community partners to consider methods of providing protection and support to immigrant workers, families, and youth in our community. Every effort shall be made by the City of Santa Fe to ensure that the working group holds its inaugural meeting within 30 days of the passage of this resolution, and that the results of each meeting are duly reported to the Governing Body.

 9. The Governing Body shall vigorously resist, by all available legal means, any threat by the federal government to terminate or reduce any type of federal funding for the purpose of coercing the City into assisting in the enforcement of federal immigration laws, and if ultimately necessary, to adjust the City’s budget to accommodate a reduction of such funding rather than yield to such coercion.

10. The City Manager shall communicate these policies to all City employees within 30 days of the passage of this resolution.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_, 2017.

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 JAVIER M. GONZALES, MAYOR

ATTEST:

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YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

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KELLEY A. BRENNAN, CITY ATTORNEY

*M/Legislation/Resolutions 2017/Reaffirming Sanctuary Status*