



AGENDA
REGULAR MEETING OF THE
HUMAN RELATIONS COMMISSION
Wednesday, March 1, 2017, 7:00 p.m.
El Cerrito City Hall
City Council Chambers
10890 San Pablo Avenue, El Cerrito

This Meeting Place is Wheelchair Accessible

Roll Call – Commissioners: Aga, Edwards, Glueck, Hughes, Hunter Parisi, Student Commissioner Su.

1. Minutes

Approval of minutes from the January 4, 2017 and February 1, 2017 meetings.

2. Oral Communications from the Public: This place on the agenda is reserved for comments and inquiries from citizens concerning matters that do not otherwise appear on the agenda.

3. Staff, Council Liaison and Commission Announcements and Reports: Staff, Council Liaison, and/or Commissioners may report on matters of general interest, City Council policies, priorities and significant actions taken by the Council to the Human Relations Commission.

4. Discussion on Protection of Immigrants in El Cerrito: Discussion and possible action regarding developing a recommendation to the El Cerrito City Council to take action to protect immigrants in El Cerrito, including but not limited to consideration of elements of sanctuary cities and supporting state legislation to protect the immigrant population.

- a. Adopt a motion to recommend that the El Cerrito City Council declare the City of El Cerrito a Sanctuary City and that the City Council adopt a proposed resolution drafted by the HRC subcommittee and City staff.
- b. Adopt a motion to recommend that the El Cerrito City Council support Senate Bill 54, “The California Values Act” (De León).

5. Subcommittee on Tolerance Update: Update, discussion, and possible action regarding the “We Stand Against Hate” campaign and ideas for promoting inclusion and mutual respect between all persons, including consideration of scheduling a public event.

6. Adjournment

Future Agenda Items: Human Relations Commission Workplan, Loving Day 2017

COMMUNICATION ACCESS INFORMATION

To request a meeting agenda in large print, Braille or MP3 file, or to request a sign language interpreter for the meeting, please call Karen Pinkos, Staff Liaison at (510) 215-4302 (voice) at least **FIVE (5) WORKING DAYS PRIOR TO THE MEETING** to ensure availability.

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Date: March 1, 2017
To: El Cerrito Human Relations Commission
From: Commissioners Makalia Aga and Mande Glueck
Karen Pinkos, Assistant City Manager, Staff Liaison
Subject: Recommendation to City Council on Declaring El Cerrito a Sanctuary City

ACTION REQUESTED

Adopt a motion to recommend that the El Cerrito City Council declare the City of El Cerrito a Sanctuary City and that the City Council adopt the proposed resolution drafted by the HRC subcommittee and City staff.

BACKGROUND/ANALYSIS

At the Human Relations Commission (HRC) meeting of February 1, 2017, the HRC considered an agenda item regarding developing a recommendation to the El Cerrito City Council to take action to protect immigrants in El Cerrito, including but not limited to consideration of elements of sanctuary cities and supporting state legislation to protect the immigrant population. The meeting was attended by almost 70 members of the public, who showed strong support for such a recommendation.

The HRC appointed a subcommittee of Commissioners Aga and Glueck to work with Staff Liaison Pinkos to draft a proposed resolution for the City Council to consider. The subcommittee met twice with staff and developed the attached draft resolution for the City Council's consideration. The resolution is based on research of similar legislation passed by other local cities, and considers the public input received at both the February 1 meeting of the HRC as well as other public comment and feedback received by staff over the past several weeks.

The resolution affirms the City's values of dignity, inclusivity, and respect for all individuals regardless of ethnic or national origin, gender identity, race, religious affiliation, sexual orientation, or immigration status and declares El Cerrito a sanctuary city. The resolution also ratifies current City practices by providing formal direction to City officials and employees, including law enforcement officers, to not participate with federal agents seeking to enforce federal immigration law and that City monies, resources, or personnel shall not be used to investigate, question, detect, apprehend and/or register persons whose only violation is or may be a civil violation of federal immigration law.

Should the HRC adopt this motion of recommendation, it is anticipated that this item will be placed on the City Council agenda of March 21, 2017. The HRC and City staff would present this item to the City Council for their consideration.

Attachments:

1. Draft Resolution

RESOLUTION 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AFFIRMING THE CITY OF EL CERRITO'S COMMITMENT TO THE VALUES OF DIGNITY, INCLUSIVITY, AND RESPECT FOR ALL INDIVIDUALS REGARDLESS OF ETHNIC OR NATIONAL ORIGIN, GENDER IDENTITY, RACE, RELIGIOUS AFFILIATION, SEXUAL ORIENTATION, OR IMMIGRATION STATUS AND DECLARING EL CERRITO A SANCTUARY CITY

WHEREAS the City of El Cerrito 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 freedoms of religion, speech, assembly, privacy, and the equal protection of all the City's residents, regardless of religious affiliation, race, national or ethnic origin, gender identity, sexual orientation, or immigration status; and

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

WHEREAS, the City of El Cerrito has long embraced and welcomed individuals of diverse religious, racial, national or ethnic origin, gender identity, and sexual orientation backgrounds, including a large immigrant population; and

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

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

WHEREAS, the City of El Cerrito has a long history of policies and legislation that promotes inclusivity, respect, and dignity; and

WHEREAS, in 1989, after having participated in the Contra Costa County Human Relations Commission for over a decade and at the request of a resident task force, the City Council created the City's own Human Relations Commission with such powers and duties the City Council specifies by ordinance, including the intent to educate, initiate, and encourage the community in eliminating all forms of prejudice and discrimination, and promote tolerance and understanding; and

WHEREAS, since its creation the Human Relations Commission has endeavored to lead the community in supporting positive human relations and contributing to the City's diversity and inclusion, including hosting events such as the annual Martin Luther King, Jr. Day celebration, diversity forums, and Loving Day; and promoting City Council legislation to honor various cultures, the LGBT community, and Human Rights; and

WHEREAS, in 2016 the City's Human Relations Commission initiated the "Stop Hate" and "Not In Our Town" campaigns in response to a hate crime in El Cerrito, pledging to challenge hate and prejudice in all its forms, whenever we encounter it, whether at home, at school, at work, or in the community, and to stand with others who are treated unfairly; and

Human Relations Commission 3/1/2017
DRAFT RESOLUTION

WHEREAS, on December 7, 2016 the West Contra Costa Unified School District passed Resolution 54-1617, committing to the protection of all traditionally marginalized students, including students of Arabic descent, those of Muslim, Sikh and other faiths, Latinos, African Americans, Asian Americans, Pacific Islanders, Native Americans, women, immigrants, persons with disabilities, and the LGBTQ community; and declares that every school site or office of West Contra Costa Unified School District is a safe place for all its students and their families; and

WHEREAS, in the State of California, the Truth Act was signed into law on September 28, 2016 and provides “Know Your Rights” to every individual, ensures fair notice to every individual, and shines a light and increases transparency around local engagement with the Federal Immigration and Customs Enforcement Service; and

WHEREAS, the City of El Cerrito’s diverse population of residents of different religious affiliations, races, national or ethnic origin, gender identity, sexual orientation, or immigration status contribute to the economic and social fabric of the City by establishing and patronizing businesses, contributing to arts and culture, and achieving significant educational accomplishments; 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 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; and

WHEREAS, the City of El Cerrito seeks to continue to foster trust between City officials and residents, to protect limited local resources, to encourage cooperation between residents and City officials including law enforcement officers and employees, to protect vulnerable populations, and to ensure public safety and due process for all; and

WHEREAS, the conflation of federal civil immigration law enforcement and local criminal law enforcement experienced in other communities has resulted in considerable erosion of public safety by creating social distance between law enforcement officers and the community; and

WHEREAS, the City of El Cerrito desires to address the fears and concerns of its residents in relation to an individual's religious affiliation, race, national or ethnic origin, gender identity, sexual orientation, or immigration status; while at the same time being mindful that it must maintain positions on federal policy that do not affect the financial stability of the City of El Cerrito in ways that are detrimental to the health and safety of its residents; and

WHEREAS, the City of El Cerrito desires to demonstrate its commitment to its residents by unequivocally stating that it will safeguard the values enshrined in our Federal and State Constitutions by providing a safe community to all residents who are fearful by assuring them that the City will not expend any funds, nor use its resources, including staff, to administer federal immigration laws which are under the exclusive jurisdiction of the federal government.

**Human Relations Commission 3/1/2017
DRAFT RESOLUTION**

NOW THEREFORE, the City of El Cerrito City Council does hereby declare that it is a sanctuary city, and resolves as follows:

Section 1. In accordance with State and Federal law, City of El Cerrito officials and employees, including its law enforcement officers, shall not actively participate with federal agents seeking to enforce federal immigration law and shall not use City monies, resources, or personnel to investigate, question, detect, apprehend and/or register persons whose only violation is or may be a civil violation of federal immigration law.

Section 2. In accordance with State and Federal law, City of El Cerrito officials and employees, including its law enforcement officers, will continue to cooperate with Federal immigration agencies in matters involving criminal activity and the protection of public safety.

Section 3. City of El Cerrito officials and employees, 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.

Section 4. City of El Cerrito officials and employees will not use any public resources or honor any federal program requiring the registration of individuals on the basis of religious affiliation, race, national or ethnic origin, gender identity, sexual orientation, or other vulnerable populations.

Section 5: City staff shall monitor any efforts by the federal government to withhold or withdraw federal funding as a result of the City's policies to protect and defend its diverse community and shall take all actions necessary to protect such funding.

I CERTIFY that at a regular meeting on March X, 2017 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on March XX, 2017.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor