

RESOLUTION NO. ____

A RESOLUTION DECLARING THE CITY OF MONTEREY PARK IS DEDICATED TO PRESERVING THE RIGHTS OF ALL PERSONS WITHIN ITS JURISDICTION; ADOPTS INTERIM POLICIES; AND DIRECTS THE CITY MANAGER AND CITY ATTORNEY TO PROVIDE ADDITIONAL INFORMATION.

The City Council of the City of Monterey Park resolves as follows:

SECTION 1: *Findings.* The City Council finds as follows:

- A. The City of Monterey Park prides itself on its 100 year history of diversity and dedication to helping its residents achieve the American Dream. The diverse population of residents with different religious affiliations, races, national or ethnic origins, gender and sexual orientation contribute to the City's economic and social fabric by establishing and patronizing businesses, contributing to arts and culture, and achieving significant educational accomplishments.
- B. Based upon the most recent data from the United States Census Bureau (the "Bureau"), the City's population is approximately 61,500. More than half the City's population (32,741) are foreign born.
- C. The Bureau's data show that the City's population is predominately of Asian descent (66.9%), but is also comprised of a rich mixture of persons from other backgrounds including, without limitation, persons identified as "Hispanic" (26.9%).
- D. On January 25, 2017, the President of the United States issued an Executive Order entitled "Enhancing Public Safety in the Interior of the United States" (the "Order").
- E. The Order attempts to unilaterally change federal immigration law from that of voluntary cooperation to that of mandatory action on behalf of local law enforcement. Such action violates the protections provided by the United States and California Constitutions to all persons within the City of Monterey Park's jurisdictional boundaries.
- F. The United States Supreme Court previously made it plain that enforcing the immigration laws within the United States is the exclusive responsibility of the federal government (*see, e.g., Arizona v. United States* (2012) 132 S.Ct. 2492).
- G. The United States Supreme Court previously made it plain that *Congress* may condition expenditure of federal funds upon voluntary compliance with federal law based upon the spending powers granted to Congress

within the United States Constitution (*see, South Dakota v. Dole* (1987) 483 U.S. 203).

SECTION 2: *Declarations.* The City Council declares that:

- A. Enforcing federal immigration laws including, without limitation, 8 U.S.C §§ 1325 and 1326, is the exclusive responsibility of the federal government; and
- B. The City 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 City residents, regardless of religious affiliation, race, national or ethnic origin, gender, sexual orientation, or immigration status; and
- C. Each of the City'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
- D. The City has long embraced and welcomed individuals of diverse religious, racial, national or ethnic origin, gender, and sexual orientation backgrounds and such individuals have been vital to the City, the region, the state, and the nation's development throughout our history; and
- 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 the community which also helps to ensure public safety, a prosperous economic environment, opportunities for our youth, and a high quality of life; and
- F. In accordance with state and federal law, City officials, 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; and
- G. Nothing in this Resolution shall be construed or implemented to conflict with any obligation imposed by federal law or state law.

SECTION 3: *Interim Policies.* The City Manager and City Attorney are directed to:

- A. In accordance with state and federal law, continue to take all lawful actions to ensure that City officials and employees including, without limitation, its law enforcement officers, do not administer federal immigration laws that can only be enforced by the federal government.

- B. In accordance with state and federal law, take all lawful actions to ensure the City officials and employees including, without limitation, its law enforcement officers, not undertake any action against persons solely because of their immigration status.
- C. In accordance with state and federal law, City officials, including its law enforcement officers, will cooperate with federal immigration agencies only in matters involving criminal activity and the protection of public safety as required by law pursuant to a valid judicial warrant
- D. Take all lawful actions to ensure that City officials and employees including, without limitation, its law enforcement officers, refrain from acquiring, maintaining, or disseminating sensitive information about City residents except to the extent necessary to provide a City service in question.
- E. Nothing in this Resolution shall be construed or implemented to conflict with any obligation imposed by federal law or state law.

SECTION 4: *Long-term Policies.* Not later than July 4, 2017, the City Manager and City Attorney are directed to undertake the following for City Council consideration:

- A. Provide an appropriate term and definition for the City of Monterey Park when acting to implement this Resolution.
- B. Identify and categorize all federal grants, loans, and other funding that the City of Monterey Park currently receives. City staff shall continue to monitor any efforts by the federal government to withhold or withdraw federal funding and shall take all appropriate actions necessary to protect such funding.
- C. Draft policies ensuring that public resources are not spent for purposes of biased-based law enforcement.
- D. Draft policies ensuring that public resources are not spent in enforcing federal programs requiring the registration of individuals on the basis of gender, religious affiliation, national or ethnic origin.

SECTION 5: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this ____ day of _____, 20__

Mitchell Ing, Mayor

ATTEST:

Vincent D. Chang, City Clerk

Approved as to Form:
Mark D. Hensley, City Attorney

By: _____
Karl H. Berger, Assistant City Attorney