

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: TERESA STRICKER, CITY ATTORNEY
JASON NUTT, ASSISTANT CITY MANAGER
SUBJECT: INTRODUCTION OF AN ORDINANCE OF THE COUNCIL OF THE
CITY OF SANTA ROSA ADDING CHAPTER 13-40 TO THE
SANTA ROSA CITY CODE TO (1) ESTABLISH THAT CIVIL
IMMIGRATION ENFORCEMENT IS NOT A CITY PURPOSE; AND
(2) PROHIBIT USE OF CITY PROPERTY THAT WOULD
DISRUPT CITY OPERATIONS OR DISCOURAGE ACCESS TO
CITY SERVICES, UNLESS THE USE FURTHERS A CITY
PURPOSE OR IS TRADITIONALLY AVAILABLE TO THE PUBLIC
WITHOUT CITY AUTHORIZATION

AGENDA ACTION: ORDINANCE INTRODUCTION

RECOMMENDATION

The City Attorney's Office recommends that the Council approve the reading and introduce an Ordinance adding Chapter 13-40 to the Santa Rosa City Code to: 1) establish that civil immigration enforcement is not a city purpose; and 2) prohibit use of City property that would disrupt City operations or discourage access to City services, unless the use furthers a city purpose or is traditionally available to the public without City authorization. This item has no impact on current fiscal year budget.

EXECUTIVE SUMMARY

To further its mission and values, the City Council has set the following strategic priorities: (1) fiscal sustainability and budgeting excellence; (2) development and maintenance of City infrastructure; (3) Citywide economic development; (4) fostering a safe, healthy, and inclusive community; and (5) housing for all and homelessness reduction. The City invests in and maintains substantial resources, including real and personal property, to support and administer public programs in furtherance of these strategic priorities and other essential municipal services. City facilities are critical access points relied upon by all residents and visitors, and preserving their safety, accessibility, and operational continuity, is a matter of practical necessity and fiscal responsibility.

Existing City policy and state law prohibit City officials from using City resources to assist in the enforcement of federal immigration laws, except in narrowly defined circumstances. In 2017, the City Council adopted Resolution Number 2017-017

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADDING CHAPTER
13-40 TO THE SANTA ROSA CITY CODE REGARDING AUTHORIZED USE OF CITY
PROPERTY
PAGE 2 OF 4

declaring Santa Rosa an indivisible city committed to safeguarding the civil rights, safety, and dignity of all Santa Rosa residents, and acknowledging that Santa Rosa is a community of diverse individuals that prides itself on being a place that welcomes persons and families from all cultures, religions, backgrounds, orientations, abilities, and viewpoints.

Enforcement of immigration laws by local police is against City policy as it raises complex legal, logistical, and resource issues for the City, including undermining immigrant communities' trust in and cooperation with the City and detracting from the Santa Rosa Police Department's core mission of creating a safe and livable community for all.

To protect public safety, the City strives to foster trust and cooperation between the City, including its police department, and its immigrant communities, by encouraging immigrants to report crime and speak to the police without fear of being arrested or detained by, or reported to, federal immigration authorities. If the City were to assist with the enforcement of federal immigration laws, including permitting the use of City property to assist in that enforcement, it would unquestionably discourage that critical cooperation and involvement. In short, public safety will be undermined if federal officers are using City property to assist with civil immigration enforcement.

GOAL

This item relates to Council Goal #4 - Foster a Safe, Healthy, and Inclusive Community.

BACKGROUND/PRIOR COUNCIL REVIEW

The City of Santa Rosa owns and maintains significant real and personal property that support the delivery of public services and municipal programs. City facilities, including administrative offices, service centers, parks, and other public sites, serve as important access points for residents seeking City services. Existing policies and applicable State laws already place limits on the use of local government resources for certain purposes.

In 2017, the City Council adopted a Resolution 2017-017, affirming the City's commitment to protecting civil rights and maintaining an inclusive community. In addition, City operations rely on maintaining public access to facilities where residents obtain services, participate in programs, and engage with City government.

Recent national discussions regarding the use of local government property by federal immigration officers have highlighted the importance of clarifying when and how City property may be used and ensuring that such uses do not interfere with the City's ability to deliver services. The proposed Ordinance is intended to provide clarity in the City Code regarding the authorization and use of City property to ensure the City's ability to deliver core municipal services.

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADDING CHAPTER
13-40 TO THE SANTA ROSA CITY CODE REGARDING AUTHORIZED USE OF CITY
PROPERTY
PAGE 3 OF 4

ANALYSIS

The proposed Ordinance would add Chapter 13-40 to the Santa Rosa City Code. The chapter would establish several provisions governing the use of City property.

Key provisions include the following:

- Authorized Use of City Property
 - City property may only be used when the use advances or promotes authorized City programs or other City purposes.
 - The use must be authorized by the City.
- Protection of City Operations and Services
 - City officials, employees, and bodies may not authorize the use of City property if the use would disrupt City operations or discourage access to City services unless the use furthers a City purpose.
- Clarification Regarding Civil Immigration Enforcement
 - The Ordinance establishes that the use of City property to assist in the enforcement of federal civil immigration law is not a City purpose.
- Scope of “Use”
 - “Use” refers to occupancy or exclusive use of City property, to the exclusion of others, and includes but is not limited to licenses, permits, or similar instruments.
 - The Ordinance does not restrict non-exclusive public access to City property that is traditionally open to the public on the same terms as other members of the public.
- Protection of Constitutional Rights
 - The Ordinance explicitly states that it does not interfere with constitutionally protected rights such as freedom of speech or assembly.
- Enforcement
 - The Ordinance authorizes the City Attorney to bring an action for injunctive or other civil relief if any person or entity violates the Ordinance by using City property for an unlawful or unauthorized purpose.

The Ordinance also includes standard provisions regarding conflicts with federal or state law, protection of existing agreements involving City property, environmental review, and severability.

FISCAL IMPACT

Adoption of this Ordinance has no impact on this year’s budget.

ENVIRONMENTAL IMPACT

Pursuant to CEQA Guidelines Section 15378, the recommended action is not a “project” subject to the California Environmental Quality Act (CEQA) because it does not

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADDING CHAPTER
13-40 TO THE SANTA ROSA CITY CODE REGARDING AUTHORIZED USE OF CITY
PROPERTY
PAGE 4 OF 4

have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. In the alternative, the recommended action is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the recommended action may have a significant effect on the environment.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Attachment 1 – City Council Resolution No. RES-2017-017
- Ordinance

PRESENTER(S)

Teresa Stricker, City Attorney
Jason Nutt, Assistant City Manager