



FINAL MINUTES

CITY OF SEASIDE
CITY COUNCIL/ SUCCESSOR
AGENCY TO THE
REDEVELOPMENT AGENCY

JOINT SPECIAL MEETING
COUNCIL CHAMBER
Thursday, March 2, 2017
5:00 PM

1. **CALL TO ORDER**

Mayor Rubio called the meeting to order at 5:00 PM.

**CITY COUNCIL/SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY OF THE
CITY OF SEASIDE**

PRESENT: Alexander, Campbell, Jones, Pacheco, Rubio

ABSENT: None

2. **PLEDGE OF ALLEGIANCE**

3. **PUBLIC COMMENT**

Mayor Rubio invited comments from the public and had no requests to speak.

- Sam Raskin reintroduced himself to the Council and indicated he would like to meet to discuss the possibility of consulting with the City on cannabis, immigration and real estate possibilities.

4. **CLOSED SESSION**

The City Council adjourned to Closed Session at 5:08 PM. City Attorney Freeman indicated he does not anticipate any announcements.

A. **CLOSED SESSION PURSUANT TO GOVERNMENT CODE 54957.6 - CONFERENCE
WITH LABOR NEGOTIATORS**

B. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO
GOVERNMENT CODE SECTION 54956.8:**

C. **CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
PURSUANT TO GOVERNMENT CODE SECTION 54956.9**

The City Council reconvened to Open Session at 5:31 PM and City Attorney Freeman indicated that the City Council received and update on all three items and provided direction.

5. **CONSENT AGENDA**

Mayor Rubio invited comments and had no requests to speak.

On motion by Council Member Alexander, seconded by Council Member Pacheco and passed by the following vote, the City Council approved the consent calendar as presented.

RESULT:	Approved
MOVER:	Mayor Pro Tem Dennis Alexander
SECONDER:	Council Member Dave Pacheco
AYES:	Ralph Rubio, Dennis Alexander, Jason Campbell, Dave Pacheco, Kayla Jones
NOES:	None
ABSENT:	None

A. APPROVE AND FILE SUCCESSOR AGENCY CHECKS

Action: Accepted

B. APPROVAL OF MINUTES FROM FEBRUARY 16, 2017 MEETING

Action: Approved

6. STUDY SESSION

A. STUDY SESSION ON "SANCTUARY CITY" POLICY DECISIONS AND OPERATIONAL PRACTICES

City Manager Malin indicated that staff was expecting and prepared for a larger audience, citing the recent MPUSD meeting, and we were prepared for childcare and translation services. He was surprised there was no one in the audience. He introduced the item by talking about what Sanctuary City is, he talked to recent Federal law and policy changes, then spoke to how Seaside operates currently.

Mr. Malin noted that a Sanctuary City is typically defined by restricting local government employees for collecting info on immigration status or nation of origin but in actuality, there is no single definition. He emphasized that it is very important to understand is that no matter if it is locally defined, by practice, policy or ordinance local governments cannot stop Federal authorities from enacting Federal laws. There is a misnomer that Sanctuary cities are more protective than they actually are. That notion steams from the sanctuary movement from the Catholic church's protection of refugees. Mr. Malin then explained the two Executive Orders signed, one is improving border protection and the other is enhancing public safety throughout the United States. Speaking to many concerns regarding the loss of Federal Funding, Mr. Malin indicated that Seaside relies upon \$1.4 million of Federal dollars per year. If the executive order is found consistent with the constitution that would make eligible that \$1.4 mil of funds could be retracted. He acknowledged that there are differing opinions regarding the risk of Federal funds, and cited the recently filed litigation.

While other cities, jurisdictions head to court, Seaside is trying to promote public safety, consistent with Federal law. The basis of law enforcement in a community is trust. The seaside police

operates consistent with federal law, and we maintain public safety and arrest individuals without regard to immigration status or national origin. All individuals who are arrested are transferred to Monterey County jail. The City of Seaside does not collect information about nation or origin, nor collect or ask questions about immigration status.

Police Chief Jackson spoke about the roles of Seaside Police Department and reiterated that the mission, roles and responsibilities of the SPD is to maintain a safe community. "Provide quality police services in partnership with our community to enhance and maintain a safe environment." SPD is not responsible for enforcing immigration policies. It's not our mission, nor our responsibility. Community includes everyone in the community and is not exclusive. He reiterated that successful and safe communities are dependent on trust and when crime happens, community members should not hide from reporting crimes due to fear of immigration status. It's counterproductive to a safe community.

Chief Jackson further stated that staffing within the Police Department continues to be at critical levels, therefore there are no extra funds, or capacity to do immigration work. Unless it is pertinent to an investigation to preserve safety, the Police department does not ask about or record place of origin or immigration status. He did note that Seaside has no control of the process after a person is booked and turned over to Monterey County. Chief Jackson answered questions from the Council.

On question, Chief Jackson answered that Police interaction with ICE is limited or infrequent and has been done on the basis for human trafficking and major drug trafficking crimes. The PD will use any legal resource to keep the community safe. He did acknowledge that SPD operates in compliance with Title 8, sec 1373 regarding communication with government agencies and that SPD does not prohibit or restrict sending or receiving information between Federal official. Police Chief cannot prohibit employees for talking with ICE, but we can and do limit our resources for enforcement of federal laws.

Council Member Campbell questioned situations where the Police would interact with ICE to which Chief Jackson indicated there may be situations where information in their database could help solve a crime or allow retrieval of individuals before harm comes to them. Council Member Campbell expressed concern regarding a recent joint enforcement in Santa Cruz for gang related activity and questioned if that was a possibility to have them assist here. Chief Jackson indicated that Homeland Security agents are also ICE agents, so they are not always just immigration enforcers. For every situation, they would have to make a serious case to eradicate significant crime for us to consider joint cooperation. The mission of the PD is to safety of our community. Council Member Campbell then expressed concern about ICE tactics to identify themselves as "police" and asked how that can be separated. Chief Jackson indicated that SPD is not always notified but typically would be if there were operations taking place in Seaside.

Mayor Pro Tem Alexander questioned the action by the County Board of Supervisors regarding Sanctuary County designation and what happens to Seaside residents if they are transported to County jail. Chief Jackson explained that Seaside has no control after booking and he reiterated, if you don't commit a crime you won't attract immigration officials.

Council Member Pacheco questioned what types of crimes would trigger being booked to which Chief Jackson indicated that misdemeanor crimes do not trigger arrest but that that each incident is evaluated for the level of arrest and there are certain law violations for which booking is required.

Council Member Pacheco then questioned if we have any police officers funded by federal dollars to which there are none. Seaside has received a federal grant for an additional School Resource Officer but it is unfilled because it is not a 100% grant fund, but only a 50% split and there is not enough funding to make up the rest. SROs are critical to impacting youth violence in our community.

Council Member Jones expressed concern not about past or current PD operations but the future questioning if ICE can come to SPD and require compliance. Chief Jackson indicated that we do not have the resources for complying with those requests and is counterproductive to the mission. City Manager Malin spoke to the fact the Federal Government cannot direct the activities of the local jurisdictions. The City Attorney confirmed.

City Manager Malin indicated that some Sanctuary Cities are defined by ordinances, resolutions or operational practices. Our operational practices represent the best practice, to facilitate trust in the community by focusing on safety instead of immigration, which are federal matters. If you read the executive order closely, the Secretary has the sole discretion to designate which jurisdiction is or is not a Sanctuary City and can authorize withholding Federal funds. He expressed concern that the more we formalize or discuss it the higher the likelihood that the Secretary might focus their attention on us. Seaside's priority is to focus on community safety, not immigration.

Mayor Rubio expressed concern that the definition of a sanctuary city is in the control of an individual with biases. While SF and LA County have many resources to put toward this issue, our limited resources make us run the risk of being targeted and putting in jeopardy funds that we need to carry out basic services. He believes we should protect our resources and the community. He encouraged requesting the City Manager to bring back different options or approaches to discuss.

Mayor Rubio invited comments from the public.

- A resident thanked City Manager Malin for the eloquent framing of the issue and spoke to "The Study for American Progress, Quantitative Analysis of Sanctuary Policies and Crime And The Economy" where the data are clear that crime is lower in sanctuary counties than non sanctuary and they are more economically viable.
- A resident spoke to the fact deportation has a huge economic cost, financially and emotionally. He spoke to the four reasons Salinas voted no and said 5 things the City Could do in 30 days – 1) educate and inform the public on rights and responsibilities 2) start a 10 point immigration policy right 3) protection of confidential information 4) designate safe haven zones 5) maximize community partnerships.
- A resident voiced his opinion, and supported Seaside becoming a Sanctuary City. He believes a lot of panic has arisen believing that their families will be torn apart, and does not believe people should not live in fear of deportation.
- A resident urged the Council to unequivocally reject the executive order, declare autonomy and declare Seaside Sanctuary City.
- A resident thanked the Council for this public discussion and in support of the policies or procedures and questioned what can be done to help make the residents citizens.

- A resident and student spoke in support of Seaside PD and encouraged not separating families.
- A resident encouraged affirmation of the City operations by formalizing the process to assure families security that the City cares for them.
- A resident spoke to his tour in Iraq and the fact we are all the same. To cut the pursuit of happiness short for some is not fair. Assistant pastor for a local church and is working for the families and supports the idea of Sanctuary City status in Seaside.
- A resident spoke to encouraging people to come and tell their story, told her story of coming when she was 14, and because of the amnesty of 1989 she was eligible to be documented. She spoke to her family members who live in fear. She requested considering voting yes.
- A resident spoke to this being a beautiful movement for number of people came out to hear the concerns and share the hope. She does not want to use tax payer money in Seaside to comply with ICE.
- A resident spoke to hear experience of how she came to the community, and now that she has graduated from Berkley, her desire to come back to give back to the community. She is concerned with the policies at the federal government and is fearful for her friends and family and the impacts to young people.
- A resident indicated that this is a very serious issue in his mind as he wants to welcome the legal people into the City of Seaside, legal refugees but also the need to maintain a respect for the Federal, State and City laws. We want it to be known as a city of the rule of law.
- A resident spoke to coming into the country illegally, and is here to speak on behalf of the children. There is a tremendous fear that the children are experiencing as she did when she was a kid. Please have mercy.
- A resident and business owner spoke to his clients continuously telling him how scared they are because of ICE, that they are very afraid to cooperate with any authorities and that numerous clients are providing documents, giving the authority over their children to others in preparation of their deportation.
- A resident spoke to the valuable assets that immigrant workers are in our community. Making America great is sending our kids to the best universities, that will make it great. We cannot be a great county if we don't protect the human rights of the people.
- A resident and local pastor spoke to a situation at the church last week when a police officer arrived at the church and children could not differentiate between an immigration officer or a police officer and there was chaos.
- A resident requested support of becoming a Sanctuary City. We are here to work and make Seaside a better city and we need someone to protect us. We fight for you. She acknowledged Mayor Rubio's Hispanic ethnicity.

- A resident acknowledged the different ethnicities in the room and acknowledged the best parts of the country is being a mix of the nationalities all of which are being targeted, not just Mexicans. All of our ancestors came from somewhere. We need to support each other, we are all here civilized.
- A resident and professor of Political Science spoke in support of declaring Seaside as a sanctuary city, and reiterated the previous speaker that everyone was an immigrant at some point and it is insulting to what is happening, the classification of all immigrants as criminals. The flourishing economy is due to the labor of immigrants. The hospitality industry relies on immigrants. Those in important positions to protect the people and the economy need to protect the immigrants.
- A resident indicated he is honored to have an Hispanic Mayor and is proud to see the City that has this conversation. Seaside is the most diverse community and our mission is the nourishment of that diversity. Every race has to be protected.
- A resident shared that the police are here to help us and shared a personal story where the police helped and encouraged no fear of local law enforcement but that the residents too have to active. If you see something, say something. There is a movement called "Indivisible Monterey Bay" where one can take your frustration into action If you work with them, they will protect you.
- A resident spoke to his mother coming to the US and the reasons she made the sacrifice so her kids had better opportunities. He is now a successful citizen, and he spoke against families being broken up. The acknowledgment would be helpful because there is so much fear and this would alleviate fear and be the voice to help and protect.
- A resident, representing ACLU Monterey Bay Chapter addressed concerns that the Federal funds will be lost from Sanctuary Cities, speaking to two lawsuits filed claiming the executive order is unconstitutional and unenforceable and spoke to the support that it will prevail. She cited previous Supreme Court Decisions that taxing and spending power is granted by congress, and congress has authorized federal funding. The President has no power to withdraw or threaten to withdraw. Don't be deterred or impeded by making seaside a Sanctuary City. If you do, and the EO prevails join San Francisco and Santa Clara and resist.
- A resident spoke in support of the City being a sanctuary city. Everyone should feel safe where they live, families will be separated and she does not want that to happen.
- A resident indicated they all very worried about that federal funding, but imagine if all of us have to leave, who would pay taxes? More importantly, children that are impacted, when they grow up will be emotionally impacted.
- A resident indicated she views the community as diverse and safe yet she spoke to her friends and family that are fearful to live and if you want the best for the community, please support this item.
- A resident was concerned that Seaside was considering becoming a Non-sanctuary city. She

spoke to the impacts to kids that are separated from parents.

- A resident who is a kindergarten teacher and said she does not want her kids to fear that no one will pick them up after school, they are there to learn.
- A resident spoke in support of her immigrant parents and believes she has many more opportunities than she would have had. Everyone should have the chance to go wherever they feel is the best for their life

Due to the increase of the number of members of the public that were not present for the initial presentation and discussion, Mayor Rubio requested Police Chief Jackson restate his main points of his presentation.

Chief Jackson reiterated the SPD mission, to maintain a safe community. He clarified that the SPD is not responsible for enforcing immigration laws and that to create a safe environment we must establish trust in our community. If you are victim, the SPD can help. They don't have the staffing or resources to enforce immigration issues. SPD officers are not authorized to enforce Federal laws. He reiterated that any work that is done with immigration is for the safety of the community and not for immigration related issues. Mayor Rubio continued accepting public comments.

- A resident spoke to the significant Oaxacan community, and that Latinos are not homogeneous and this community is lovely, they are stand up community members that work hard, support their families and have strong sense of community
- A resident thinks it is important to know that the citizens will be protected by the community. She understand this will not guarantee that this will protect them fully, but it does alleviate fear.
- A resident spoke to research on immigration reform, in NY city, where they were targeting a Latino community. Unite ourselves, by informing ourselves. Information and facts are critical.
- A resident stated the media and political climate is tense and you have a huge population of Mexicans, and politics are common conversation because there are direct impacts. Lives depend on keeping families together. This is our city, please represent us.
- A resident spoke to the love she has for our community, She spoke in support of the City and the PD and asked to please continue providing the help you have been providing to us, in return promises to continue to work hard as community members.
- A community member spoke supporting this cause and believes we deserve an opportunity to be here as we are honorable, hardworking people.
- A resident indicated that her kids need the security and to know that they try to keep the community safe.
- A resident spoke to her nephew who went to the hospital due to a cancerous tumor forcing them to go out otherwise they would not due to fear of the political situation. We ask that

you please help us.

- A resident spoke in support to make the city of Seaside a Sanctuary. She spoke to her personal contributions to the community through volunteerism and the City should celebrate their diversity, embrace immigrants and enforce constitutional rights on which this nation was built.
- A resident, we are here not demanding, but asking for support, understanding that we all have to do our part.
- A resident spoke thanking the Council for giving her a certificate of achievement and she spoke to her personal family members that are fearful. She asked directly to become a sanctuary.
- A resident and business owner expressed concern spoke to his personal witnessing the change in behavior of his consumers. Respectfully, He prays that God gives you the wisdom to make the right choice.
- A resident and student, representing Mancha community, spoke in support of becoming a sanctuary city. Please act to protect our citizens and represent the voice of the citizens. The most important politics happen at the local level.
- A resident spoke representing her at-risk friends, who she wants to protect and speak in support of. She told their stories and that they have lived, worked, and paid taxes for more than half of their lives. They work to make themselves better every day.
- A resident spoke to his immigrated parents, and how he is a voting citizen now because of them. We need our immigrants, for the vitality of our economy and our community.
- A resident spoke to why Seaside should be a sanctuary city; Hispanics dedicate their lives as hard working individuals working hospitality and service jobs, and all we are all in fear of where is the immigration authorities located today, they will cancel their work instead of going in fear.
- A resident who teaches English as a Second Language spoke to her positive experiences of teaching for years at night from all different circumstances. Seaside is the GEM of the peninsula. She thanked the Council for being brave enough to do this.
- A resident said thank you for taking the time to be here. Our families are full of fear and our children are afraid to be separated from their parents. This country has given us many opportunities. I believe that all of us can continue working hard and respecting laws of the country. Please support our community just the same as we have supported you.
- A resident thanked the Council for the opportunity to express themselves. Proud to be of Hispanic descendants, who made the sacrifice their origin of place for a better quality of life. She speaks for those she loves and anyone who is in fear.
- A resident spoke to the community and the similar purpose, vision, loyalty. She is a child of an immigrant mother who hoped to give her kids a better life. She spoke to her daughters

that are fearful that families can be separated by immigration and it is heartbreaking. She is her to ask the Council to think what our community would look like if having a sanctuary in seaside would provide to the families of this community

- A resident spoke to all of the Hispanics supporting each other. We came to the country to better ourselves not to be part of gangs. That is why we are asking for our support so the safety comes back to our community.
- A resident said no human being is illegal, and the personal stories of these brave people, they demonstrate that more than he can. Sanctuary Cities as a policy, result in a higher average per capita income, lower crime rate that every community member should support. He spoke to the hallways being packed, people are down the steps, and one thing that strikes him is, one more thing immigrants are bringing to the society around us is an invigoration of our democracy. This is amazing to see the community response with this issue. This is what democracy looks like. He is proud to be here in this group.
- A resident is concerned about all of the immigration police creating fear and insanity and dramatization. He is doing everything he can to be a better citizen and to contribute to the community. He is involved in community programs and spoke to the challenges to try to fit in with different culture and languages. He spoke to the rental market in Seaside, and the owners should see all know that not all Hispanics are criminals. He commits himself to be a better citizen.
- A resident spoke with concern about his family, it is not his responsibility to take care of them, and he is choosing to take the responsibility to take care of them as much as he can. Please help.
- A resident spoke to the effects of Sanctuary Cities on the economy that research indicates that they are safer, stronger economies. Non sanctuary cities makes it harder to investigate crimes, because undocumented individuals are in fear of cooperation for fear of deportation. Please understand that policies will improve or deter the growth of our inclusive community.
- A resident is afraid for his community and friends for being deported. He's parents took a risk for a brighter future. He is very grateful for this choice, he has many more opportunities.
- A resident and local Professor spoke to comments from her kids asking her where she and her husband are from prompted by federal discussions of building a wall. She spoke to teaching her kids that the immigrant workers need to be respected.
- A resident spoke to always feeling very safe in this community and the PD has always been there when she needed them, and has enjoyed beautiful experiences, more here than any other city he has lived in.
- A resident spoke to being hard working parents, with children who try their best. He teaches them, by being an example of someone who has not gone to jail. If they don't allow the parents to be here then the children will suffer. We come with great sacrifice, for more

opportunity. Please consider all these people, all these petitions and support the declaration of Sanctuary.

- A resident shared her opinion about becoming a Sanctuary City, we need the support of the immigrants and kids need to feel secure, that they're protected, and insulated from hate.

Mayor Rubio thanked the public for there comments and passion acknowledging it is an important issue. He assured the community that their safety is the City's priority.

Council Member Pacheco questioned how long the litigation process might take for the injunction lawsuits to which City Attorney Freeman responded it is difficult to say, but unlikely that it will heard this year before the Supreme Court. On further questioning Mr. Malin reassured the Council that while federal law enforcement can pursue federal immigration policy anywhere in America, the SPD, while complying with Federal law, they do not pursue immigration related offenses. We are operationally a Sanctuary City now. We are a sanctuary for inclusive values and respect for law. If the City Council wanted to adopt a resolution to that effect, staff would be happy to write it. The City Council discussed the pending litigation, the impact to our community for the loss of federal dollars and the constitutionality of the executive order.

Council Member Jones thanked the passion and the vulnerability for sharing their stories with us. She understands that we cannot stop the federal law enforcement, but what we can do, is make it clear that no public dollars will be spent enforcing immigration issues. Our residents need to know that they are safe and we will not be complicit with letting their rights be infringed upon. Ms. Jones read a statement enforcing her position.

Council Member Campbell agreed with Council Member Jones that this is a priority and also said he does not want to hurt the safety and security of our community for the threat of losing federal dollars. He expressed concern with the term 'sanctuary' as some argue that we give sanctuary to criminals, which we do not as well as the fact we cannot protect residents from the Federal government. He reiterated that what we can do, is direct our staff and officers to not cooperate with immigration enforcement as long as they are not violating the law and supported the idea of a "liberty city" designation, as an example. He closed by saying it is imperative that we find a way that undocumented immigrants feel comfortable reporting crimes, seeking medical attention.

Council Member Alexander spoke to the trust necessary between the Police Department and residents.

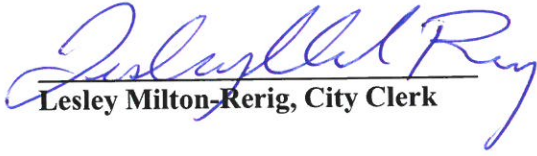
Mayor Rubio responded to public comments made and spoke to his own experience with community fear growing up. He spoke to the fear that is being instilled in our culture currently that is unnecessary and that the funds that are at stake are our hard earned tax dollars, given back that support vital services for our community. He agreed that we should craft a resolution that will affirm the operations that we have here in Seaside, that we are not involved in the business of immigration enforcement or deportation. That our goal is to support our residents, not to spite the president.

Meeting adjourned at 10:19 PM.

7. **ADJOURNMENT**

On motion, the meeting was adjourned at 10:19 PM.

Respectfully submitted,


Lesley Milton-Rerig, City Clerk


Ralph Rubio, Mayor/Chair

