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RESOLUTION NO. 2017-9

**A RESOLUTION OF THE ALBANY CITY COUNCIL DECLARING THE CITY
OF ALBANY AS A SANCTUARY CITY**

WHEREAS, the City of Albany is a community that celebrates diversity and prides itself on being a place which welcomes persons and families of all backgrounds and nationalities; and

WHEREAS, the City of Albany is committed to recognizing the dignity and civil rights of all of its community members, including the right of all community members to live, work, and study in a City that does not subject them to prejudicial treatment or discrimination; and

WHEREAS, members and friends of immigrant communities across the country, including members of our community, may be experiencing fear or anxiety resulting from potential changes to federal immigration laws and enforcement policies; and

WHEREAS, on November 21, 2016, the City of Albany City Council reaffirmed its commitment to inclusion and appreciation for Albany's diverse community, stating, "We, the members of the Albany City Council, recognize that many in our community are hurting and fearful as a result of the recent national election. Thus, we would like to take this opportunity to reaffirm that we welcome and value all of our diverse community members regardless of where they are from, who they love, how they worship, how they look, their abilities, or how they vote. We invite the entire Albany community to join with us in creating a safe and welcoming city; one in which we celebrate our differences and learn from each other; one in which we are proud to raise our children"; and

WHEREAS, the Albany Police Department recently presented information to the City Council and engaged in a collaborative process with members of the community to review and

discuss immigration enforcement policies that protect and uphold the civil liberties of immigrants;
and

WHEREAS, the Albany Police Department affirms that the enforcement of immigration violations by local police erodes and damages the public trust that is so vital to maintaining public safety for all; and

WHEREAS, Albany Police Department policy prohibits police officers from contacting, detaining, or arresting someone based solely on the suspicion that an individual is an undocumented immigrant; and

WHEREAS, the Albany Unified School District Board of Education has declared itself a Safe Haven that prohibits immigration enforcement in the public schools and provides protections for students and families threatened by immigration enforcement and discrimination; and

WHEREAS, the City of Albany opposes any unconstitutional data collection program of the Federal Government, such as requiring the registration of individuals on the basis of religious affiliation, race, national or ethnic origin, gender, gender identity or sexual orientation; and

WHEREAS, the City of Albany City Council desires to continue to demonstrate its commitment to all of our community members by declaring that the City of Albany is a Sanctuary City.

NOW, THEREFORE, BE IT RESOLVED, by the Albany City Council as follows:

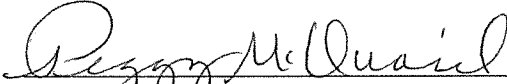
1. The City of Albany hereby declares that it is a Sanctuary City and reaffirms its commitment to protect the rights of all people in our community.

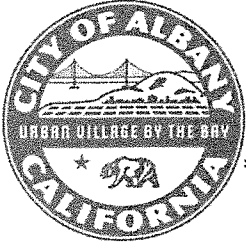
2. The City Manager shall report to the City Council requests or mandates from the federal government for use of City resources to enforce federal immigration laws, and the number and type of any citizen complaint filed under paragraph 10 of this resolution.
3. City of Albany officials, employees and agents shall require a judicial warrant prior to detaining an individual or in any manner prolonging the detention of an individual at the request of U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP).
4. City of Albany officials, employees and agents shall not arrest, detain, or transport an individual solely on the basis of an immigration detainer or other administrative document issued by ICE or CBP, without a judicial warrant.
5. Unless acting pursuant to a court order or a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, no City official, employee or agent shall permit ICE or CBP agents access to City facilities or any person in the City of Albany custody for investigative interviews or other investigative purposes.
6. To the extent ICE or CBP has been granted access to City facilities, individuals with whom ICE or CBP engages will be notified that they are speaking with ICE or CBP, and ICE or CBP agents shall be required to wear duty jackets and make their badges visible at all times while in City facilities.
7. City of Albany officials, employees and agents shall not inquire into the immigration or citizenship status of an individual, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, or

where required by state or federal law to verify eligibility for a benefit, service or license conditioned on verification of status.

8. No City of Albany official, employee or agent shall voluntarily release personally identifiable data or information to ICE or CBP regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity or race, unless for a law enforcement purpose unrelated to the enforcement of a civil immigration law.
9. No City of Albany official, employee or agent shall authorize or engage in the human or technological surveillance of a person or group based solely or primarily upon a person or group's actual or perceived religion, ethnicity, race or immigration status.
10. Any person who alleges a violation of this Resolution may file a written complaint for investigation with the City of Albany.
11. No City of Albany official, employee or agent shall interrogate, arrest, detain or take other law enforcement action against an individual based upon that individual's perceived race, national origin, religion, language, or immigration status, unless such personal characteristics have been included in timely, relevant, credible information, linking a specific individual to a particular criminal event/activity.
12. Albany understands or accepts its obligation to comply with Federal law. Nothing in City of Albany policies is intended to violate 8 U.S.C. Section 1373 and 8 U.S.C. Section 1644; and

13. The City of Albany will continue to review its policies to ensure that they reflect Albany's status as a Sanctuary City, as well as compliance with the United States and California Constitutions and the mandates of federal and state law; such review may include the possibility of revision to other City policies such that they comply with the spirit and intent of this Resolution.


PEGGY MCQUAID, MAYOR



City of Albany

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PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

the 17th day of April, 2017, by the following votes:

AYES: Council Members Barnes, Maass, Nason, Pilch and Mayor McQuaid

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

18th day of April, 2017.

Eileen Harrington

Eileen Harrington
DEPUTY CITY CLERK