

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2017-19**

3 **INTRODUCED BY:**

4
5 Councilor Joseph M. Maestas

6 Councilor Renee D. Villarreal

7 Councilor Peter Ives

8
9
10 **A RESOLUTION**

11 **MAKING POLICY CHANGES TO SAFEGUARD RESIDENTS' SENSITIVE PERSONAL**
12 **INFORMATION, REAFFIRMING THE CITY OF SANTA FE'S COMMITMENT TO**
13 **HUMAN AND CIVIL RIGHTS, THE ESTABLISHED RULE OF LAW, AND ITS STATUS**
14 **AS A WELCOMING COMMUNITY FOR IMMIGRANTS AND REFUGEES; AND**
15 **DIRECTING THE CITY MANAGER AND CITY ATTORNEY TO ASSESS THE CITY'S**
16 **LEGAL RIGHTS AND RESPONSIBILITIES UNDER APPLICABLE LAW.**

17
18 **WHEREAS**, through many centuries Santa Fe has been a home to many migrants and
19 immigrants who came to Santa Fe seeking a better life for themselves and their families; and

20 **WHEREAS**, the voters of the City of Santa Fe, as a means to maximize their self-
21 determination and self-governance, adopted a home rule charter on December 9, 1997 and
22 subsequent charter amendments in 2008 and 2014; and

23 **WHEREAS**, the Preamble of the City Charter declares: "We, the people of Santa Fe, a capital
24 city for four centuries, a community with rich and lasting multi-cultural traditions and a history of
25 tolerance towards all peoples, cultures, traditions, and lifestyles, recognize our right to define our

1 way of life and our form of government;” and

2 **WHEREAS**, the City Charter also declares: “The human and civil rights of the residents
3 of Santa Fe are inviolate and shall not be diminished or otherwise infringed. To that end, no city
4 ordinance, resolution or policy shall be enacted or adopted nor shall any action be condoned which
5 discriminates on the basis of ethnicity, race, age, religion, creed, color, national origin, ancestry,
6 sex, gender, sexual orientation, physical or mental disability, medical condition or citizenship
7 status;” and

8 **WHEREAS**, the City of Santa Fe has a long record of adopting policies that welcome,
9 integrate, and embrace migrants, immigrants, refugees and their families into the local community
10 irrespective of citizenship status; and

11 **WHEREAS**, City Resolution No. 1985-129 declared Santa Fe a city of refuge for refugees
12 from El Salvador and Guatemala and resolved that the City, its agents, agencies, officers, and
13 employees in performance of official duties, shall not, to the extent legally possible, assist or
14 voluntarily cooperate with Immigration and Naturalization Service Investigations or arrest
15 procedures relating to alleged violations of immigration law by Salvadorans and Guatemalan
16 nationals; and

17 **WHEREAS**, City of Santa Fe Resolution No.1999-6 declares a policy of non-
18 discrimination on the basis of a person’s national origin and that the City of Santa Fe will be a
19 community where all persons will be treated equally with respect and dignity regardless of their
20 immigration status; and

21 **WHEREAS**, Resolution No. 1999-6 also declares that no municipal resources will be used
22 to identify or apprehend any non-citizen on the sole basis of immigration status, unless otherwise
23 lawfully required to do so; and

24 **WHEREAS**, the City has long recognized the contributions made to the City’s economy
25 and its culture by the community of immigrants, who make up approximately 15% of the city’s

1 population, often live in mixed-status families with U.S. citizen children, and are long-time
2 residents of the City; and

3 **WHEREAS**, the use of resources by the City to enforce federal civil immigration laws
4 both diverts resources from other productive services for the people of Santa Fe and undermines a
5 productive and trusting relationship between the immigrant community and the City of Santa Fe ;
6 and

7 **WHEREAS** the City of Santa Fe has the authority to preserve the confidentiality of
8 certain private and sensitive information of its residents obtained for the purposes of carrying out
9 essential city functions, and the residents of Santa Fe have a basic expectation that certain
10 sensitive and private information will be not be disclosed; and

11 **WHEREAS**, the Tenth Amendment to the Constitution of the United States provides that
12 the powers that are not delegated expressly or by implication to the United States, or prohibited to
13 the States, are reserved to the States, respectively, or to the people, and has been interpreted by the
14 U.S. Supreme Court to preclude the Federal government from compelling or commandeering any
15 State or local government, either directly or by the use of coercive threats to withhold federal
16 funding, to adopt federal programs or enforce federal laws, including immigration laws; and

17 **WHEREAS**, City of Santa Fe Resolution No. 1999-6 has resulted in the following actions
18 by the City in furtherance of its purposes:

19 1. Establishing an Immigration Committee to monitor the human rights status of non-
20 citizens residing in the City of Santa Fe and report its findings and recommendations to the
21 Governing Body; and

22 2. Adopting procedures regulating communications between the police department and
23 federal immigration enforcement agencies; and

24 **WHEREAS**, these measures have contributed to a trusting and productive relationship
25 with the City's immigrant community and continue to contribute to the safety and well-being of all

1 the City's residents; and

2 **WHEREAS**, Santa Fe is regarded as a safe city with a low crime rate, seen in many ways
3 as related to the non-discrimination policies adopted through Resolution 1999-6; and

4 **WHEREAS**, between 1990 and 2013 the number of unauthorized immigrants in the United
5 States more than tripled from 3.5 million to 11.2 million, while FBI data from the same period
6 indicates that violent crime declined 48 percent and property crime declined 41 percent¹; and

7 **WHEREAS**, the productive relationship between the City and immigrants living in Santa
8 Fe would be undermined if the City were to retreat from its longstanding support of immigrant-
9 friendly policies.

10 **NOW THEREFORE BE IT RESOLVED** that the City of Santa Fe reaffirms and
11 continues to abide by its non-discrimination and integration policies toward residents irrespective
12 of immigration and citizenship status as set forth in Resolutions 1985-129 and 1999-6.

13 **BE IT FURTHER RESOLVED** that the city of Santa Fe reaffirms its immigrant-friendly
14 status and commitment to the established rule of law.

15 **BE IT FURTHER RESOLVED** that the City shall strengthen its status as a welcoming
16 community by adopting and implementing the following policies:

17 1. No employee of the City of Santa Fe shall make or initiate any inquiry regarding the
18 immigration status of any person, except as required by law, including, without limitation, to
19 determine eligibility for City employment or for a federal benefit or program administered by the
20 City.

21 2. No employee of the City of Santa Fe shall disclose to any person or agency outside city
22 government any sensitive information about any person that comes into the employee's possession
23 during the course and scope of that employee's work for the City of Santa Fe, except as required

¹https://www.americanimmigrationcouncil.org/sites/default/files/research/the_criminalization_of_immigration_in_the_united_states.pdf

1 by law in order to provide a City service or carry out a function of City government or upon receipt
2 of a valid court order or a request pursuant to the New Mexico Inspection of Public Records Act,
3 NMSA 1978, Chapter 14, Article 2. Sensitive information includes confidential identifying
4 information such as social security numbers or individual tax identification numbers, a person's
5 place and date of birth, a person's status as a recipient of public assistance or as a crime victim, and
6 a person's sexual orientation, physical or mental disability, immigration status or national origin.

7 3. The City Manager shall, within 60 to 90 days of passage of this resolution, provide to
8 the Governing Body a copy of updated policies and procedures relating to applications for U Visa
9 certification as approved and reviewed by the appropriate parties.

10 4. The City Manager shall provide to the City's Public Safety Committee, Immigration
11 Committee and the Governing Body, quarterly and upon request, a report of the number of
12 applications for U-Visa certifications received and the number of certifications issued.

13 5. City elected and appointed officials and employees shall refuse access to all non-public
14 areas of City property by federal immigration agents for the purposes of enforcing federal
15 immigration laws who do not present a warrant issued by a federal court specifically requiring such
16 access.

17 6. All City departments and employees shall accept driving authorization cards and non-
18 Real-ID compliant identification cards issued by the New Mexico Motor Vehicle Division (MVD)
19 for all of the purposes for which they would accept Real-ID-compliant drivers' licenses and
20 identification cards issued by the MVD.

21 7. City departments shall not use the voluntary federal e-verify system to investigate or
22 determine the work eligibility of applicants for city employment unless required by law for the
23 purposes of administering a federal benefit or program.

24 8. The City commits to improve language access to City services and programs for its
25 diverse multilingual residents, and to that end the City Managers shall undertake a review of potential

1 language barriers throughout City government that may limit such access and recommend to the
2 Governing Body a means to address any identified barriers including the need for professional
3 translation and interpretation services with the goal of improving access to City services and
4 programs by non-English speakers, and to consider these as part of the FY 2018 and future budget
5 proposals.

6 9. The City Manager within 60 to 90 days of the passage of this resolution, shall develop
7 and present to the Governing Body a plan to work through legal advocacy groups and community
8 partners to provide community outreach and education regarding the City's non-discrimination
9 and confidentiality policies and the civil rights of immigrant and non-immigrant residents and
10 employers and business owners.

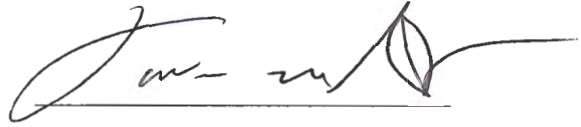
11 10. The Governing Body of the City of Santa Fe commits to supporting the formation of
12 a working group with the Board of Commissioners of Santa Fe County and the governing boards
13 of Santa Fe Public Schools and the Santa Fe Community College District, and other community
14 partners to consider methods, in accordance with the law, of providing protection and support to
15 immigrant workers, families, and youth in our community.

16 11. The City of Santa Fe shall continue to promote, enforce, and defend City policies and
17 procedures that protect the human and civil rights of all residents and that ensure adherence to the
18 non-discrimination principles enacted by the people of Santa Fe in the City's Charter.

19 12. The City Manager shall communicate these policies to all City employees in
20 accordance with Human Resources Department policies.

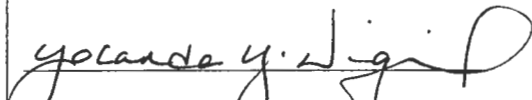
21 **BE IT FURTHER RESOLVED** that the city manager and the city attorney are directed
22 to assess and report to the Governing Body the city's rights and responsibilities under applicable
23 law, and identify all reasonable legal means to defend the city's policies and procedures.

24 PASSED, APPROVED AND ADOPTED this 22nd day of February, 2017.
25

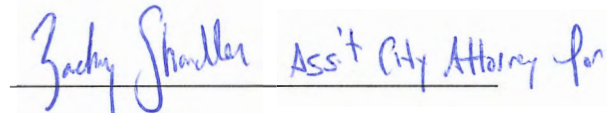


JAVIER M. GONZALES, MAYOR

1
2
3
4 ATTEST:

5
6 
7 YOLANDA Y. VIGIL, CITY CLERK

8
9
10 APPROVED AS TO FORM:

11 
12 ZACHARY SHANDLER, ASS'T CITY ATTORNEY FOR
13 KELLEY A. BRENNAN, CITY ATTORNEY