

From: DonnaAderhold@ci.homer.ak.us
Sent: Monday, January 23, 2017 7:02 AM
To: davidlewis@ci.homer.ak.us
Subject: Fwd: Resolution
Attachments: Resolution softened tone.docx; ATT00001.htm

Hi David, attached is the "sanctuary city" resolution I received. Let me know what you think. There is some language I think Chief Robl needs to review first.

Donna

Donna Aderhold
Homer City Council

907.244.4388
DonnaAderhold@ci.homer.ak.us

*Public Records Law Disclosure:
Emails from or to this address will be available for public inspection under Alaska public records law*

Begin forwarded message:

From: Donna Aderhold <donnagrace99@gmail.com>
Date: January 22, 2017 at 4:51:08 PM AKST
To: Donna Aderhold <DonnaAderhold@ci.homer.ak.us>
Subject: Fwd: Resolution

Edit 3
(Softer in tone)

RESOLUTION __ - __ OF THE CITY OF HOMER, ALASKA, reconfirming that the City of Homer adheres to general principles of inclusion and herein committing the city government to resisting efforts to divide this community along grounds of ethnicity, gender, nation of origin, physical capabilities, or sexual orientation wherever those efforts may arise, including from local, state or federal agencies.

WHEREAS, a new administration is set to assume power in Washington, D.C.; and

WHEREAS, during and subsequent to his campaign, President Donald Trump made statements offensive to and sometimes threatening to women; immigrants; religious, racial, ethnic and sexual minorities; veterans; the disabled and the general public; and

WHEREAS, the President on numerous occasions has clearly stated his disregard for the rights of free speech, of the press, of assembly and religion, and that he considers some who oppose him his “enemies;” and

WHEREAS, the president has threatened to create a registry of Muslim Americans, and to ban all Muslims from entering the United States; and

WHEREAS, the president has threatened to build a wall on the border with Mexico and deport millions of undocumented workers, including millions brought here as children, without acknowledging the logistics nightmare, the cost or the social disruption that would cause; and

WHEREAS, the president has promised to repeal federal regulations protecting LGBTQ citizens; and

WHEREAS, before and especially since the election, expressions of intolerance for diversity have increased alarmingly around the nation; and

WHEREAS, the City of Homer recognizes that while its minority communities are relatively small, members of those communities may be vulnerable, and that if those residents feel threatened in anyway simply because they are minorities, the City should be on record as opposing all such intolerance; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Homer unequivocally rejects expressions of hate wherever they may exist, and specifically

rejects harassment of women, immigrants, religious minorities, racial, ethnic and sexual minorities; and

BE IT FURTHER RESOLVED, that the City of Homer recognizes and confirms the inalienable rights of all peoples regardless of skin color, country of birth, religion or lack thereof, abilities, gender, sexual orientation or choice of partner, that the City of Homer will not waver in its commitment to inclusion and to continuing to create a village safe for a diverse population; and

BE IT FURTHER RESOLVED, that the City of Homer will not profile undocumented immigrants or any other minority population, and;

BE IT FURTHER RESOLVED, that the City of Homer will detain individuals at the request of federal agencies unless such detentions are backed up by court-issued federal warrants, and

BE IT FURTHER RESOLVED, that the City of Homer shall steadfastly defend the U.S. and Alaska constitutions, especially with regard to the former's precedent-backed right of privacy and the latter's specified right of privacy (Article 1, Section 22), and safeguard the rights declared in the Bill of Rights; and

BE IT FURTHER RESOLVED, that the City of Homer will continue to support our local police in their ongoing efforts to enforce law and protect our community and its visitors in a just, unbiased and transparent manner; and

BE IT FURTHER RESOLVED, that the City of Homer will declare itself a safety net for any vulnerable residents and visitors; and

BE IT FURTHER RESOLVED, that the City of Homer calls on all its citizens to stand against intolerance and resist expressions of hate toward any members of the community, and thus set an example for the rest of the nation demonstrating that Homer residents and Alaskans in general are live-and-let-live people.

PASSED AND ADOPTED by the City Council of the City of Homer, AK, on _____, 2017, by the following vote:

Ayes:

Nays:

Absent:

Abstain

From: Donna Aderhold
To: [Donna Aderhold](mailto:Donna.Aderhold)
Subject: Fwd: New Draft Resolution of the City of Homer
Date: Sunday, January 29, 2017 2:04:53 PM
Attachments: [Resolution of the City of Homer.pdf](#)

----- Forwarded message -----

From: **Harold Spence** <hobig@yahoo.com>
Date: Sun, Jan 29, 2017 at 1:57 PM
Subject: New Draft Resolution of the City of Homer
To: Donna Aderhold <donnagrace99@gmail.com>

Here 'tis. Thanks.
Best,
Hal

Sent from my iPhone

RESOLUTION __-___OF THE CITY OF HOMER, ALASKA,:

stating that the City of Homer adheres to the principle of inclusion and herein committing this city to resisting efforts to divide this community with regard to race, religion, ethnicity, gender, national origin, physical capabilities, or sexual orientation regardless of the origin of those efforts, including from local, state or federal agencies.

WHEREAS, a new administration is in power in Washington, D.C. without a popular mandate;

WHEREAS, during his campaign, President Donald Trump made statements offensive and harmful to the rights of women; immigrants; religious, racial, and ethnic minorities; veterans; the disabled; LGBTQ citizens; and the general public; and that such statements have continued since his election;

WHEREAS, the president on numerous occasions has stated clearly his disregard for freedom of speech; freedom of the press; freedom of assembly; and freedom of religion, particularly with regard to Muslim Americans;

WHEREAS, the president has not disavowed his intention to create a registry of Muslim Americans and now intends to ban Muslims from entering the United States;

WHEREAS, the president now is following through on his promises to deport millions of undocumented immigrants, including millions brought here as children who have grown up to know no other life than that of an American;

WHEREAS, the president now is following through on plans to build a wall on the border separating the U.S. from Mexico without apparent regard to its cost, its effects upon our nation's economy, or its sociological ramifications, and to impose an ideological test for entry into our country;

WHEREAS, the president has promised to repeal federal regulations protecting LGBTQ citizens;

WHEREAS, the president already has issued executive orders to effect the repeal of the Affordable Care Act, which provides tens of millions of Americans with health care insurance coverage;

WHEREAS, the president has issued executive orders to rescind certain women's reproductive rights,

WHEREAS, the president has promised to withdraw from the Paris Climate Agreement and to remove other environmental protections instituted under the previous administration, and has begun a process to dismantle the Environmental Protection Agency;

WHEREAS, before and especially since the election, some citizens have been emboldened to express overtly an intolerance of diversity that is opposed to the views of most Homer residents and most Americans;

WHEREAS, the president's cabinet nominees have expressed views similar to those laid out in the whereas clauses above and thus are largely out of step with the attitudes of most Homer residents;

WHEREAS, the presidential election has exposed deep social and political divisions among Americans and these divisions threaten the general peace as expressions of intolerance rise;

WHEREAS, the City of Homer recognizes that while the minority community here may be relatively small, it may be vulnerable, and that if those residents feel in any way threatened simply because they are minorities, the City should be on record as opposing all such intolerance; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Homer unequivocally rejects expressions of fear and hate wherever they may exist, and specifically rejects harassment of women, immigrants, religious minorities, racial and ethnic minorities, and LGBTQ individuals, and

BE IT FURTHER RESOLVED, that the City of Homer embraces all peoples regardless of skin color, country of birth, faith, sex, gender, marital status, or abilities; and that the City of Homer will not waver in its commitment to inclusion and to continuing to create a village safe for a diverse population; and

BE IT FURTHER RESOLVED, that the City of Homer will resist any and all efforts to profile undocumented immigrants or any other vulnerable population, and

BE IT FURTHER RESOLVED, that the City of Homer will not cooperate with federal agencies in detaining undocumented immigrants unless such actions are supported by court-issued federal warrants, and

BE IT FURTHER RESOLVED, that the City of Homer shall steadfastly defend the U.S. and Alaska constitutions, especially with regard to the former's precedent-backed right of privacy and the latter's specified right of privacy (Article 1, Section 22), and safeguard the rights declared in the Bill of Rights; and

BE IT FURTHER RESOLVED, that the City of Homer will continue its staunch support of our local police in their ongoing efforts to enforce law and protect our community and its visitors in a just, unbiased and transparent manner; and

BE IT FURTHER RESOLVED, that the City of Homer will declare itself a safety net for the most vulnerable members of and visitors to our community; and

BE IT FURTHER RESOLVED, that the City of Homer calls on all its citizens to stand against intolerance and resist expressions of hate toward any members of the community, and thus to set an example for the rest of the nation, demonstrating that Homer residents and Alaskans adhere to the principle of live-and-let-live.

PASSED AND ADOPTED by the City Council of the City of Homer, Alaska, on _____, 2017, by the following vote:

Ayes:

Nays:

Absent:

Abstain

From: DonnaAderhold@ci.homer.ak.us
To: davidlewis@ci.homer.ak.us
Subject: Fwd: New Draft Resolution of the City of Homer
Date: Sunday, January 29, 2017 2:11:13 PM
Attachments: [Resolution of the City of Homer.pdf](#)
[ATT00001.htm](#)

Hi Dave, here's the newer version.

Donna

Donna Aderhold
Homer City Council

907.244.4388
DonnaAderhold@ci.homer.ak.us

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Begin forwarded message:

From: Donna Aderhold <donnagrace99@gmail.com>
Date: January 29, 2017 at 2:04:44 PM AKST
To: Donna Aderhold <DonnaAderhold@ci.homer.ak.us>
Subject: Fwd: New Draft Resolution of the City of Homer

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From: **Harold Spence** <hobig@yahoo.com>
Date: Sun, Jan 29, 2017 at 1:57 PM
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To: Donna Aderhold <donnagrace99@gmail.com>

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Hal

Sent from my iPhone

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WHEREAS, a new administration is in power in Washington, D.C. without a popular mandate;

WHEREAS, during his campaign, President Donald Trump made statements offensive and harmful to the rights of women; immigrants; religious, racial, and ethnic minorities; veterans; the disabled; LGBTQ citizens; and the general public; and that such statements have continued since his election;

WHEREAS, the president on numerous occasions has stated clearly his disregard for freedom of speech; freedom of the press; freedom of assembly; and freedom of religion, particularly with regard to Muslim Americans;

WHEREAS, the president has not disavowed his intention to create a registry of Muslim Americans and now intends to ban Muslims from entering the United States;

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WHEREAS, the president now is following through on plans to build a wall on the border separating the U.S. from Mexico without apparent regard to its cost, its effects upon our nation's economy, or its sociological ramifications, and to impose an ideological test for entry into our country;

WHEREAS, the president has promised to repeal federal regulations protecting LGBTQ citizens;

WHEREAS, the president already has issued executive orders to effect the repeal of the Affordable Care Act, which provides tens of millions of Americans with health care insurance coverage;

WHEREAS, the president has issued executive orders to rescind certain women's reproductive rights,

WHEREAS, the president has promised to withdraw from the Paris Climate Agreement and to remove other environmental protections instituted under the previous administration, and has begun a process to dismantle the Environmental Protection Agency;

WHEREAS, before and especially since the election, some citizens have been emboldened to express overtly an intolerance of diversity that is opposed to the views of most Homer residents and most Americans;

WHEREAS, the president's cabinet nominees have expressed views similar to those laid out in the whereas clauses above and thus are largely out of step with the attitudes of most Homer residents;

WHEREAS, the presidential election has exposed deep social and political divisions among Americans and these divisions threaten the general peace as expressions of intolerance rise;

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BE IT FURTHER RESOLVED, that the City of Homer will not cooperate with federal agencies in detaining undocumented immigrants unless such actions are supported by court-issued federal warrants, and

BE IT FURTHER RESOLVED, that the City of Homer shall steadfastly defend the U.S. and Alaska constitutions, especially with regard to the former's precedent-backed right of privacy and the latter's specified right of privacy (Article 1, Section 22), and safeguard the rights declared in the Bill of Rights; and

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PASSED AND ADOPTED by the City Council of the City of Homer, Alaska, on _____, 2017, by the following vote:

Ayes:

Nays:

Absent:

Abstain

From: Catriona Reynolds
To: catrionareynolds@ci.homer.ak.us
Subject: sanctuary
Date: Monday, January 30, 2017 9:55:43 AM
Attachments: [334154519-Proposed-Sanctuary-City-Resolution.txt](#)
[334154519-Proposed-Sanctuary-City-Resolution.pdf](#)

do this

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA,
WASHINGTON, DECLARING THE CITY OF OLYMPIA A SANCTUARY CITY**

WHEREAS, the City of Olympia is a welcoming city that serves and protects its residents regardless of their immigration status; and

WHEREAS, the City of Olympia is a city of peace where those who are politically persecuted can find safe haven and sanctuary, with a history of supporting immigrant rights including refugees; and

WHEREAS, in the City Olympia all people, including immigrants, are respected and valued and are vital to our shared prosperity; and

WHEREAS, immigration has been a cornerstone of our city, region, state and nation's development throughout our history; and

WHEREAS, Washington's population grew by forty thousand (40,000) unauthorized residents between 2009 and 2014, making our state one of just six in the country with a growing unauthorized population; and

WHEREAS, Washington is the nation's eighth largest refugee-receiving state; and

WHEREAS, one hundred thousand (100,000) Muslim residents are proud to call Washington their home and live peacefully as our neighbors, colleagues and friends; and

WHEREAS, more than twenty-eight thousand (28,000) unauthorized youth in Washington received temporary status through the Deferred Action for Childhood Arrivals (DACA) program, and they deserve an opportunity to have a bright future and to contribute their time and talent to make Olympia a city of innovation and growth;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE AS
FOLLOWS:**

Section 1. The City of Olympia declares itself to be a Sanctuary City and;

Section 2. As a Sanctuary City, City employees will serve all residents, and city services will be accessible to all residents regardless of immigration status; and

Section 3. The City of Olympia will not inquire upon a resident's immigration status in providing municipal services or in the course of law enforcement; and

Section 4. As a Sanctuary City, the City of Olympia will have policies that instruct employees to refuse the application of any request from a state or federal agency that requires the identification of a resident's immigration status, leaving that determination to federal authorities; and

Section 5. The City of Olympia shall refuse any requests that are an extension of any federal immigration policy enforcement actions to federal authorities and shall not enter into any agreements to carry out such federal enforcement actions, but leave such actions to federal authorities; and

Section 6. The City of Olympia shall review its policies to ensure that they reflect Olympia's status as a Sanctuary City, including possible revision of City policies to comply with this Resolution.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of December 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

From: Melisa Miller
To: catrionareynolds@ci.homer.ak.us
Subject: registry defiance proposal
Date: Monday, January 30, 2017 8:52:59 PM
Attachments: [HB0013A.PDF](#)

Hi Catz,

I live out east and don't have property within city limits. I sent the same email to Willy Dunne.

"Rep. [Andy Josephson](#) has introduced a bill, [H.B. 13](#), that would prevent the state from cooperating with any efforts by the federal government to register Alaskans based on their race or religion. The bill was referred to the State Affairs committee on January 18." <https://www.fortyninemoons.org/community>

Please support this bill toward the legislative process through contact with the members of the State Affairs committee. Also please consider supporting a similar resolution for the City of Homer.

Thank you for your time and service,

Melisa (Whigham) Miller
[\(907\)299-3593](tel:(907)299-3593)
ladyminak@gmail.com

HOUSE BILL NO. 13

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES JOSEPHSON, Gara

Introduced: 1/18/17

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act prohibiting the expenditure of state or municipal assets to create a registry**
2 **based on race or religion."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 44.99.040(a) is amended to read:

5 (a) A state or municipal agency may not use or authorize the use of an asset to
6 implement or aid in the implementation of a requirement of

7 (1) an order of the President of the United States, a federal regulation,
8 or a law enacted by the United States Congress that is applied to

9 (A) infringe on a person's right, under the Second Amendment
10 to the Constitution of the United States, to keep and bear arms;

11 (B) deny a person a right to due process, or a protection of due
12 process, that would otherwise be available to the person under the Constitution
13 of the State of Alaska or the Constitution of the United States; or

14 **(C) create a registry based on race or religion; or**

1

(2) P.L. 109-13, Division B (REAL ID Act of 2005).

From: JJohnson@ci.homer.ak.us
To: abrowning@ci.homer.ak.us; adixon@ci.homer.ak.us; RPainter@ci.homer.ak.us; BHawkins@ci.homer.ak.us; CMeyer@ci.homer.ak.us; JdeLumeau@ci.homer.ak.us; mrobl@ci.homer.ak.us; RAbboud@ci.homer.ak.us
Subject: City Council Agenda - February 13
Date: Tuesday, January 31, 2017 2:51:30 PM
Attachments: [work February 13.docx](#)
[agenda February 13.docx](#)

Hello,
Do you have anything to add to the tentative agenda for February 13? It will publish on Thursday. Included is a rough draft of the items so far.

Thanks,

Jo Johnson, MMC
City Clerk

City of Homer
491 E. Pioneer Avenue
Homer, Alaska 99603
907.235.3130
jjohnson@ci.homer.ak.us

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HOMER CITY COUNCIL
491 E. PIONEER AVENUE
HOMER, ALASKA
www.cityofhomer-ak.gov



WORKSESSION
4:00 P.M. MONDAY
FEBRUARY 13, 2017
COWLES COUNCIL CHAMBERS

MAYOR BRYAN ZAK
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER CATRIONA REYNOLDS
COUNCIL MEMBER DONNA ADERHOLD
COUNCIL MEMBER HEATH SMITH
COUNCIL MEMBER TOM STROOZAS
COUNCIL MEMBER SHELLY ERICKSON
CITY ATTORNEY HOLLY WELLS
CITY MANAGER KATIE KOESTER
CITY CLERK JO JOHNSON

**TENTATIVE
WORKSESSION AGENDA**

- 1. CALL TO ORDER, 4:00 P.M.**
- 2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
- 3. HOMER ACCELERATED ROADS AND TRAILS PROGRAM (HART)**
- 4. COMMENTS OF THE AUDIENCE**
- 5. ADJOURNMENT NO LATER THAN 4:50 P.M.**
Next Regular Meeting is Monday, February 27, 2017 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

HOMER CITY COUNCIL
491 E. PIONEER AVENUE
HOMER, ALASKA
www.cityofhomer-ak.gov



REGULAR MEETING
6:00 P.M. MONDAY
FEBRUARY 13, 2017
COWLES COUNCIL CHAMBERS

MAYOR BRYAN ZAK
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER CATRIONA REYNOLDS
COUNCIL MEMBER DONNA ADERHOLD
COUNCIL MEMBER HEATH SMITH
COUNCIL MEMBER TOM STROOZAS
COUNCIL MEMBER SHELLY ERICKSON
CITY ATTORNEY HOLLY WELLS
CITY MANAGER KATIE KOESTER
CITY CLERK JO JOHNSON

TENTATIVE
REGULAR MEETING AGENDA

Worksession 4:00 p.m. and Committee of the Whole 5:00 p.m. in Homer City Hall Cowles Council Chambers.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Department Heads may be called upon from time to time to participate via teleconference.

2. AGENDA APPROVAL

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 1.24.040.)

3. MAYORAL PROCLAMATIONS AND RECOGNITIONS

A. Mayor's Proclamation - Brother Asaiah Bates Day, February 14

4. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

5. RECONSIDERATION

6. CONSENT AGENDA

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- A. Homer City Council unapproved Regular meeting minutes of January 23, 2017. City Clerk. Recommend adoption.
- B. **Memorandum 17-xxx** from Mayor Zak, Re: Appointments
- C. **Memorandum 17-xxx**, Appointment/Reappointment of Homer's Representative to the Prince William Sound Regional Citizens' Advisory Council
- D. **Memorandum 17-xxx** from Deputy City Clerk, Re: Liquor License Renewals

7. VISITORS

**8. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS
(10 minute limit per report)**

- A. Borough Report
- B. Commissions/Board Reports:
 - 1. Library Advisory Board
 - 2. Homer Advisory Planning Commission
 - 3. Economic Development Advisory Commission
 - 4. Parks Art Recreation and Culture Advisory Commission
 - 5. Port and Harbor Advisory Commission
 - 6. Cannabis Advisory Commission

9. PUBLIC HEARING(S)

A. FRISBEE COURT ROAD SPECIAL ASSESSMENT DISTRICT

- B. **Ordinance 17-06**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.80 and Homer City Code 1.18.050 to Appoint a Hearing Officer to Hear Ethics Complaints Against City Council Members and the Mayor and to Amend Homer City Code Section 2.08.050 to Permit the Board of Ethics or Hearing Officer to Dismiss

Witnesses Prior to the Administrative Hearing and Clarify the Investigative and Hearing Process. Aderhold. Introduction January 23, 2017, Public Hearing and Second Reading February 13, 2017.

10. ORDINANCE(S)

- A. **Ordinance 17-xx**, An Ordinance of the City Council of Homer, Alaska, Authorizing the Purchase of Software to Allow the Harbor to Bill for the Graduated Moorage Rate Structure. City Manager/Port and Harbor Director. Recommended dates: Introduction January 23, 2017, Public Hearing and Second Reading February 13, 2017.

Memorandum from Port and Harbor Director as backup.

- B. **Ordinance 17-xx**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an Alaska Department of Transportation Public Facilities Grant for Soundview Pedestrian Safety Improvements. City Manager/Public Works Director. Recommended dates: Introduction February 13, 2017, Public Hearing and Second Reading February 27, 2017.

11. CITY MANAGER'S REPORT

- A. City Manager's Report
- B. Bid Report

12. CITY ATTORNEY REPORT

13. COMMITTEE REPORT

- A. Employee Committee Report
- B. Americans with Disabilities Act Compliance Committee

14. PENDING BUSINESS

- A. **Resolution 16-128**, A Resolution of the City Council of Homer, Alaska, Creating a Police Station Building Task Force and Establishing the Scope of Work and Parameters Under Which the Task Force Will Conduct Its Work. Mayor. Postponed from December 5, 2016.

Resolution 16-128(S), A Resolution of the City Council of Homer, Alaska, Creating a Police Station Building Task Force and Establishing the Scope of Work and Parameters Under Which the Task Force Will Conduct Its Work. Mayor.

- B. **Memorandum 17-018**, from Interim Finance Director, Re: Waiver of Penalties for Natural Gas Distribution Special Assessment. (Christopher Robinson request only.)

15. NEW BUSINESS

16. RESOLUTIONS

- A. **Resolution 17-xxx**, A Resolution of the Homer City Council Adopting an Alternative Allocation Method for the FY17 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area. City Manager.
- B. **Resolution 17-xxx**, A Resolution of the Homer City Council Increasing Revenue to the City of Homer Water and Sewer Fund by Allowing Connections to Utilities Outside City Limits. Stroozas.
- C. **Resolution 17-xxx**, A Resolution of the Homer City Council Awarding the Contract for the Homer Harbor High Mast Light LED Conversion Project to a Firm to be Named in an Amount to be Announced and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.
- D. **Resolution 17-xxx**, A Resolution of the Homer City Council Awarding the Contract for the Wireless Communication Tower for Homer Spit Property to a Firm to be Named in an Amount to be Announced and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.
- E. **Resolution 17-xx**, A Resolution of the Homer City Council Awarding the Contract for the Purchase of a 2016 Chevy Express 4x4 Cargo Van for Public Works to the Firm of Chevy of South Anchorage, Anchorage, Alaska, in the Amount of \$39,801 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director.

Memorandum 17-xxx from Public Works Superintendent as backup.

- F. **Resolution 17-xxx**, A Resolution of the City Council of Homer, Alaska, Declaring the City of Homer a Sanctuary City. Reynolds.

17. COMMENTS OF THE AUDIENCE

18. COMMENTS OF THE CITY ATTORNEY

19. COMMENTS OF THE CITY CLERK

20. COMMENTS OF THE CITY MANAGER

21. COMMENTS OF THE MAYOR

22. COMMENTS OF THE CITY COUNCIL

23. ADJOURNMENT

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From: CatrionaReynolds@ci.homer.ak.us
To: davidlewis@ci.homer.ak.us; DonnaAderhold@ci.homer.ak.us
Subject: sanctuary reso
Date: Thursday, February 02, 2017 6:15:42 PM
Attachments: [sanctuary.doc](#)

Here is the rough preliminary wording I was working on. It's plagiarized and adapted from Olympia, WA where theirs passed unanimously in December.

Also, there is this at state level right now: [file:///Users/catriona1/Downloads/HB0013A%20\(1\).PDF](file:///Users/catriona1/Downloads/HB0013A%20(1).PDF) [file:///Users/catriona1/Downloads/HB0013A%20\(1\).PDF](file:///Users/catriona1/Downloads/HB0013A%20(1).PDF)

I'd like to be a third sponsor on what you are working on.

Cheers!

Catriona Reynolds
Homer City Council Member
4658 Tamara Street
Homer, AK 99603

(907) 299-3410

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RESOLUTION NO.

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DECLARING THE CITY OF HOMER A SANCTUARY CITY

WHEREAS, the City of Homer is a welcoming city that serves and protects its residents regardless of their immigration status; and

WHEREAS, the City of Homer is a city of peace where those who are politically persecuted can find safe haven and sanctuary; and

WHEREAS, in the City Homer all people, including immigrants, are respected and valued and are vital to our shared prosperity; and

WHEREAS, immigration has been a cornerstone of our city, region, state and nation's development throughout our history; and

WHEREAS, Alaska's population grew by f thousand (40,000) unauthorized residents between 2009 and 20t4, making our state one of just six in the country with a growing unauthorized population; and

WHEREAS, Alaska is the nation's eighth largest refugee-receiving state; and

WHEREAS, one hundred thousand (100,000) Muslim residents are proud to call Alaska their home and live peacefully as our neighbors, colleagues and friends; and

WHEREAS, more than twenty-eight thousand (28,000) unauthorized youth in Alaska received temporary status through the Deferred Action for Childhood Arrivals (DACA) program/ and they deserve an opportunity to have a bright future and to contribute their time and talent to make Homer a city of innovation and growth;

NOW THEREFORE, THE HOMER CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City of Homer declares itself to be a Sanctuary City and;

Section 2. As a Sanctuary City, City employees will serve all residents, and City services will be accessible to all residents regardless of immigration status; and

Section 3. The City of Homer will not inquire upon a resident's immigration status in providing municipal services or in the course of law enforcement; and

Section 4. As a Sanctuary City, the City of Homer will have policies that instruct employees to refuse the application of any request from a state or federal agency that requires the identification of a resident's immigration status, leaving that determination to federal authorities; and

Section 5. The City of Homer shall refuse any requests that are an extension of any federal immigration policy enforcement actions to federal authorities and shall not enter into any agreements to carry out such federal enforcement actions, but leave such actions to federal authorities; and

Section 6. The City of Homer shall review its policies to ensure that they reflect Homer's status as a Sanctuary City, including possible revision of City policies to comply with this Resolution.

PASSED BY THE HOMER CITY COUNCIL this - day of February 2017

From: Donna Aderhold
To: [Donna Aderhold](mailto:Donna.Aderhold)
Subject: Fwd: New Draft Resolution of the City of Homer
Date: Thursday, February 02, 2017 6:18:38 PM
Attachments: [Resolution of the City of Homer 03.docx](#)

----- Forwarded message -----

From: Harold Spence <hobig@yahoo.com>
Date: Thu, Feb 2, 2017, 3:41 PM
Subject: Re: New Draft Resolution of the City of Homer
To: Donna Aderhold <donnagrace99@gmail.com>

Here is version 3 with the language about detainees changed.

Hal

On Thursday, February 2, 2017 2:00 PM, Donna Aderhold <donnagrace99@gmail.com> wrote:

Hi Hal,

I reread the resolution and I really like it. I think the one rewording change that we discussed on Tuesday evening is all that's needed. If you want to reorder the whereas clauses that's fine but I don't think is necessary. As soon as you get me the rewording I will send it to the city clerk to put on the agenda.

I will not be attending the CAN meeting this evening--too much going on! See you soon.

Donna

On Sun, Jan 29, 2017 at 1:57 PM, Harold Spence <hobig@yahoo.com> wrote:

Here 'tis. Thanks.
Best,
Hal

Sent from my iPhone

RESOLUTION __ - ___ OF THE CITY OF HOMER, ALASKA,:

stating that the City of Homer adheres to the principle of inclusion and herein committing this city to resisting efforts to divide this community with regard to race, religion, ethnicity, gender, national origin, physical capabilities, or sexual orientation regardless of the origin of those efforts, including from local, state or federal agencies.

WHEREAS, a new administration is in power in Washington, D.C. without a popular mandate;

WHEREAS, during his campaign, President Donald Trump made statements offensive and harmful to the rights of women; immigrants; religious, racial, and ethnic minorities; veterans; the disabled; LGBTQ citizens; and the general public; and that such statements have continued since his election;

WHEREAS, the president on numerous occasions has stated clearly his disregard for freedom of speech; freedom of the press; freedom of assembly; and freedom of religion, particularly with regard to Muslim Americans;

WHEREAS, the president has not disavowed his intention to create a registry of Muslim Americans and now intends to ban Muslims from entering the United States;

WHEREAS, the president now is following through on his promises to deport millions of undocumented immigrants, including millions brought here as children who have grown up to know no other life than that of an American;

WHEREAS, the president now is following through on plans to build a wall on the border separating the U.S. from Mexico without apparent regard to its cost, its effects upon our nation's economy, or its sociological ramifications, and to impose an ideological test for entry into our country;

WHEREAS, the president has promised to repeal federal regulations protecting LGBTQ citizens;

WHEREAS, the president already has issued executive orders to effect the repeal of the Affordable Care Act, which provides tens of millions of Americans with health care insurance coverage;

WHEREAS, the president has issued executive orders to rescind certain women's reproductive rights,

WHEREAS, the president has promised to withdraw from the Paris Climate Agreement and to remove other environmental protections instituted under the previous administration, and has begun a process to dismantle the Environmental Protection Agency;

WHEREAS, before and especially since the election, some citizens have been emboldened to express overtly an intolerance of diversity that is opposed to the views of most Homer residents and most Americans;

WHEREAS, the president's cabinet nominees have expressed views similar to those laid out in the whereas clauses above and thus are largely out of step with the attitudes of most Homer residents;

WHEREAS, the presidential election has exposed deep social and political divisions among Americans and these divisions threaten the general peace as expressions of intolerance rise;

WHEREAS, the City of Homer recognizes that while the minority community here may be relatively small, it may be vulnerable, and that if those residents feel in any way threatened simply because they are minorities, the City should be on record as opposing all such intolerance; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Homer unequivocally rejects expressions of fear and hate wherever they may exist, and specifically rejects harassment of women, immigrants, religious minorities, racial and ethnic minorities, and LGBTQ individuals, and

BE IT FURTHER RESOLVED, that the City of Homer embraces all peoples regardless of skin color, country of birth, faith, sex, gender, marital status, or abilities; and that the City of Homer will not waver in its commitment to inclusion and to continuing to create a village safe for a diverse population; and

BE IT FURTHER RESOLVED, that the City of Homer will resist any and all efforts to profile undocumented immigrants or any other vulnerable population, and

BE IT FURTHER RESOLVED, that the City of Homer will cooperate with federal agencies in detaining undocumented immigrants when court-issued federal warrants are delivered, and

BE IT FURTHER RESOLVED, that the City of Homer shall steadfastly defend the U.S. and Alaska constitutions, especially with regard to the former's precedent-backed right of privacy and the latter's specified right of privacy (Article 1, Section 22), and safeguard the rights declared in the Bill of Rights; and

BE IT FURTHER RESOLVED, that the City of Homer will continue its staunch support of our local police in their ongoing efforts to enforce law and protect our community and its visitors in a just, unbiased and transparent manner; and

BE IT FURTHER RESOLVED, that the City of Homer will declare itself a safety net for the most vulnerable members of and visitors to our community; and

BE IT FURTHER RESOLVED, that the City of Homer calls on all its citizens to stand against intolerance and resist expressions of hate toward any members of the community, and thus to set an example for the rest of the nation, demonstrating that Homer residents and Alaskans adhere to the principle of live-and-let-live.

PASSED AND ADOPTED by the City Council of the City of Homer, Alaska, on _____, 2017, by the following vote:

Ayes:

Nays:

Absent:

Abstain

From: DonnaAderhold@ci.homer.ak.us
To: CatrionaReynolds@ci.homer.ak.us
Subject: Fwd: New Draft Resolution of the City of Homer
Date: Thursday, February 02, 2017 6:23:49 PM
Attachments: [Resolution of the City of Homer 03.docx](#)
[ATT00001.htm](#)

Here's the version I've been privy to. It's an amalgamation of many, mostly from California, I think.

Donna Aderhold
Homer City Council

907.244.4388
DonnaAderhold@ci.homer.ak.us

Public Records Law Disclosure:

Emails from or to this address will be available for public inspection under Alaska public records law

Begin forwarded message:

From: Donna Aderhold <donnagrace99@gmail.com>
Date: February 2, 2017 at 6:18:20 PM AKST
To: Donna Aderhold <DonnaAderhold@ci.homer.ak.us>
Subject: **Fwd: New Draft Resolution of the City of Homer**

RESOLUTION __ - ___ OF THE CITY OF HOMER, ALASKA,:

stating that the City of Homer adheres to the principle of inclusion and herein committing this city to resisting efforts to divide this community with regard to race, religion, ethnicity, gender, national origin, physical capabilities, or sexual orientation regardless of the origin of those efforts, including from local, state or federal agencies.

WHEREAS, a new administration is in power in Washington, D.C. without a popular mandate;

WHEREAS, during his campaign, President Donald Trump made statements offensive and harmful to the rights of women; immigrants; religious, racial, and ethnic minorities; veterans; the disabled; LGBTQ citizens; and the general public; and that such statements have continued since his election;

WHEREAS, the president on numerous occasions has stated clearly his disregard for freedom of speech; freedom of the press; freedom of assembly; and freedom of religion, particularly with regard to Muslim Americans;

WHEREAS, the president has not disavowed his intention to create a registry of Muslim Americans and now intends to ban Muslims from entering the United States;

WHEREAS, the president now is following through on his promises to deport millions of undocumented immigrants, including millions brought here as children who have grown up to know no other life than that of an American;

WHEREAS, the president now is following through on plans to build a wall on the border separating the U.S. from Mexico without apparent regard to its cost, its effects upon our nation's economy, or its sociological ramifications, and to impose an ideological test for entry into our country;

WHEREAS, the president has promised to repeal federal regulations protecting LGBTQ citizens;

WHEREAS, the president already has issued executive orders to effect the repeal of the Affordable Care Act, which provides tens of millions of Americans with health care insurance coverage;

WHEREAS, the president has issued executive orders to rescind certain women's reproductive rights,

WHEREAS, the president has promised to withdraw from the Paris Climate Agreement and to remove other environmental protections instituted under the previous administration, and has begun a process to dismantle the Environmental Protection Agency;

WHEREAS, before and especially since the election, some citizens have been emboldened to express overtly an intolerance of diversity that is opposed to the views of most Homer residents and most Americans;

WHEREAS, the president's cabinet nominees have expressed views similar to those laid out in the whereas clauses above and thus are largely out of step with the attitudes of most Homer residents;

WHEREAS, the presidential election has exposed deep social and political divisions among Americans and these divisions threaten the general peace as expressions of intolerance rise;

WHEREAS, the City of Homer recognizes that while the minority community here may be relatively small, it may be vulnerable, and that if those residents feel in any way threatened simply because they are minorities, the City should be on record as opposing all such intolerance; and

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BE IT FURTHER RESOLVED, that the City of Homer will resist any and all efforts to profile undocumented immigrants or any other vulnerable population, and

BE IT FURTHER RESOLVED, that the City of Homer will cooperate with federal agencies in detaining undocumented immigrants when court-issued federal warrants are delivered, and

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BE IT FURTHER RESOLVED, that the City of Homer will continue its staunch support of our local police in their ongoing efforts to enforce law and protect our community and its visitors in a just, unbiased and transparent manner; and

BE IT FURTHER RESOLVED, that the City of Homer will declare itself a safety net for the most vulnerable members of and visitors to our community; and

BE IT FURTHER RESOLVED, that the City of Homer calls on all its citizens to stand against intolerance and resist expressions of hate toward any members of the community, and thus to set an example for the rest of the nation, demonstrating that Homer residents and Alaskans adhere to the principle of live-and-let-live.

PASSED AND ADOPTED by the City Council of the City of Homer, Alaska, on _____, 2017, by the following vote:

Ayes:

Nays:

Absent:

Abstain

From: DonnaAderhold@ci.homer.ak.us
To: JJohnson@ci.homer.ak.us
Cc: davidlewis@ci.homer.ak.us; CatrionaReynolds@ci.homer.ak.us
Subject: Fwd: New Draft Resolution of the City of Homer
Date: Friday, February 03, 2017 3:38:55 PM
Attachments: [Resolution of the City of Homer 03.docx](#)
[ATT00001.htm](#)

Hi Jo,
David, Catriona, and I are sponsoring the attached resolution and would like to include it in the agenda for the next city council meeting.

Thanks,
Donna

Donna Aderhold
Homer City Council

907.244.4388
DonnaAderhold@ci.homer.ak.us

*Public Records Law Disclosure:
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Begin forwarded message:

RESOLUTION __ - ___ OF THE CITY OF HOMER, ALASKA,:

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WHEREAS, the president on numerous occasions has stated clearly his disregard for freedom of speech; freedom of the press; freedom of assembly; and freedom of religion, particularly with regard to Muslim Americans;

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PASSED AND ADOPTED by the City Council of the City of Homer, Alaska, on _____, 2017, by the following vote:

Ayes:

Nays:

Absent:

Abstain

From: JJohnson@ci.homer.ak.us
To: Bryanzak@aol.com; bryanzak@ci.homer.ak.us
Subject: Resolution for February 27
Date: Wednesday, February 08, 2017 10:51:54 AM
Attachments: [Reso Expression.docx](#)

Hi Mayor,

Here is the resolution submitted for the February 27th agenda. The sponsors are Aderhold, Reynolds, and Lewis.

Jo Johnson, MMC
City Clerk

City of Homer
491 E. Pioneer Avenue
Homer, Alaska 99603
907.235.3130
jjohnson@ci.homer.ak.us

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RESOLUTION __ - ___ OF THE CITY OF HOMER, ALASKA,:

stating that the City of Homer adheres to the principle of inclusion and herein committing this city to resisting efforts to divide this community with regard to race, religion, ethnicity, gender, national origin, physical capabilities, or sexual orientation regardless of the origin of those efforts, including from local, state or federal agencies. Aderhold/Reynolds/Lewis.

WHEREAS, a new administration is in power in Washington, D.C. without a popular mandate;

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PASSED AND ADOPTED by the City Council of the City of Homer, Alaska, on _____, 2017, by the following vote:

Ayes:

Nays:

Absent:

Abstain

From: CatrionaReynolds@ci.homer.ak.us
To: catrionareynoldshomer@gmail.com
Subject: FW: New Draft Resolution of the City of Homer
Date: Tuesday, February 14, 2017 5:47:50 PM
Attachments: [Resolution of the City of Homer 03.docx](#)
[ATT00001.htm](#)

Catriona Reynolds
Homer City Council Member
4658 Tamara Street
Homer, AK 99603

(907) 299-3410

PUBLIC RECORDS LAW DISCLOSURE:

Most e-mails from or to this address will be available for public inspection under Alaska public records law.

From: Donna Aderhold
Sent: Thursday, February 2, 2017 6:23 PM
To: Catriona Reynolds
Subject: Fwd: New Draft Resolution of the City of Homer

Here's the version I've been privy to. It's an amalgamation of many, mostly from California, I think.

Donna Aderhold
Homer City Council

907.244.4388
DonnaAderhold@ci.homer.ak.us

Public Records Law Disclosure:

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Begin forwarded message:

From: Donna Aderhold <donnagrace99@gmail.com>
Date: February 2, 2017 at 6:18:20 PM AKST
To: Donna Aderhold <DonnaAderhold@ci.homer.ak.us>
Subject: Fwd: New Draft Resolution of the City of Homer

RESOLUTION __ - ___ OF THE CITY OF HOMER, ALASKA,:

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PASSED AND ADOPTED by the City Council of the City of Homer, Alaska, on _____, 2017, by the following vote:

Ayes:

Nays:

Absent:

Abstain

From: CatrionaReynolds@ci.homer.ak.us
To: DonnaAderhold@ci.homer.ak.us; davidlewis@ci.homer.ak.us
Subject: expanding sanctuary
Date: Tuesday, February 14, 2017 8:06:38 PM
Attachments: [2017-01-30 sanctuary-expanded-final.pdf](#)

Donna,
Maybe you can share this with Hal, and anyone else that is interested.
Great back-up resource for the upcoming resolution.
Thanks!
Catriona

Catriona Reynolds
Homer City Council Member
4658 Tamara Street
Homer, AK 99603

(907) 299-3410

*PUBLIC RECORDS LAW DISCLOSURE:
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EXPANDING SANCTUARY

WHAT MAKES
A CITY A
SANCTUARY
NOW?



MIJENTE
JANUARY 2017

CONTENTS

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- 2 A HISTORY OF SANCTUARY
- 4 CRIMINALIZATION AND ENFORCEMENT
- 6 POLICY PRIORITIES
- 13 OTHER RESOURCES
- 14 CONCLUSION

Thanks to Black Youth Project 100, the Transgender Law Center, and the Chicago Immigration Working Group for their contributions to this report.

Authored by Tania A. Unzueta, Mijente Legal and Policy Director.

www.mijente.net – @conmijente

Layout by isaura jiménez guerra



EXPANDING SANCTUARY

WHAT MAKES A SANCTUARY CITY NOW?

Under a “law and order” Trump administration, cities must address the criminalization of Black people, transgender women, and other people of color as a part of the minimum standard in defining a city as a ‘sanctuary’ today.

INTRODUCTION

The term “sanctuary” most recently refers to local policies that limit when and if local law enforcement communicates with, or submits to, (often unconstitutional) requests from federal immigration agents. But in a country where over-policing results in 1 in 3 people being arrested at least once by the age of 23, during a time when evolving technology places fingerprint scanners in the palm of every law enforcement officers’ hand, and as we anticipate the growth in federal agents active in our cities, sanctuary in practice, and as a movement, must evolve.¹

Limiting whether police actively investigate someone’s immigration status, or if immigration authorities have access to jails to do the same, represents the minimum today; not the standard. In addition to local governments finding real ways to limit the federal reach into immigrants’ homes, and putting effective resources into defending and protecting immigrant communities, sanctuary under President Trump requires cities to dismantle the current policing apparatus that acts as a funnel to mass incarceration and the deportation machine.

¹ Maia Szalavitz, Study:1-in-3 American Youth Are Arrested By Age 23, Dec. 19, 2011, available at: <http://healthland.time.com/2011/12/19/study-1-in-3-american-youth-are-arrested-by-age-23/>.

A HISTORY OF SANCTUARY

Sanctuary as related to protecting immigrants came about in the 1980s, referring to churches that declared the need and will to protect Central American immigrants fleeing violence and war in their home countries. The threat was that immigrants faced the threat of deportation upon arrival in the US. At its height, some 500 religious institutions effectively shielded Central American immigrants and their families from being deported by providing shelter and legal resources.²

In the mid 1980s, cities such as Takoma Park, MD, Washington D.C, Cambridge, MA, and Chicago, IL, declared themselves 'sanctuary cities' inspired by the faith-based movements.³ The policies focused on guaranteeing city services to immigrants regardless of citizenship as well as the separation between local law enforcement and immigration enforcement.

The 1980's fight for sanctuary city policies was framed as both a local challenge to what was viewed as immoral federal policy, as well as increasing safety by improving relationships between immigrant communities and local law-enforcement. It was successful in bringing on board thousands of law-enforcement agents who declared themselves to be against being used as immigration enforcement agents.⁴

In the 1990s and early 2000s, local police departments continued to support sanctuary city policies by calling it "good government" Those efforts reignited during the Obama Presidency. Between 2011 and 2014,⁵ in response to local law enforcement unconstitutionally holding people at federal agents' requests, hundreds of local jurisdictions approved policies that limited their collaboration with immigration enforcement and reduced or eliminated the use of immigration detainers.⁶

² Sanctuary Movement, Revolvly.com, available at, https://www.revolvly.com/main/index.php?s=Sanctuary%20movement&item_type=topic.

³ The Original List of Sanctuary Cities, Ohio Jobs with Justice PAC, updated Jan. 18, 2017, available at: <http://www.ojjpac.org/sanctuary.asp>.

⁴ Amanda Peterson Beadle, Why 250 Counties Have Stopped Honoring ICE Detainers, September 22, 2014, available at <http://immigrationimpact.com/2014/09/22/why-250-counties-have-stopped-honoring-local-ice-detainers/>

⁵ Id.

⁶ Brianna Lee, Cities Rebel Against Federal Immigration Enforcement Programs, International Business Times, Oct. 27, 2014, available at <http://www.ibtimes.com/cities-rebel-against-federal-immigration-enforcement-programs-1714228>

The mobilization against what was known as the “Secure Communities Program” and the multiple accompanying legal challenges, led to the November 2014 announcement by the Department of Homeland Security (DHS) that it would discontinue Secure Communities and put forward the Priority Enforcement Program (PEP).⁷ The program continued to rely on communication with local law enforcement to detain immigrants. Although many cities continued to defend their policies, new localities signed up to collude with DHS and provide information of undocumented immigrants under PEP.⁸

After the memorandum shifting to PEP was issued, the Department of Justice (DOJ) and the Obama White House continued to put pressure on localities to comply with the federal law.⁹ In particular, cities and localities were asked to provide information that proved that their policies were consistent with 8 U.S.C. § 1373.¹⁰ Under a Trump administration, the latest attack to sanctuary cities has come in the form of administrative orders, threatening to take away funding for sanctuary cities and reinstating Secure Communities, among a host of other proposals.¹¹

In the defense of sanctuary cities it is important to know that defunding is not a given, despite the executive orders. To start, there are significant questions about the legality of the federal government threatening local funding, including serious constitutional defects.¹² For example, if the policies in question are related to law enforcement, so would the funding being threatened. This means that there will be a fight, both legal and on the ground, before Sanctuary cities would be at risk of losing funding.

⁷ Henry Grabar, Not in Our Town: Can American Cities Stop Trump From Deporting Millions?, Nov. 20, 2016, available at: http://www.slate.com/articles/news_and_politics/cover_story/2016/11/how_cities_could_thwart_donald_trump_s_deportation_plan.html.

⁸ ICE Enforcement and Removal Operations Report 2015, available at: <https://www.ice.gov/sites/default/files/documents/Report/2016/fy2015removalStats.pdf>.

⁹ Grabar, supra note 8.

¹⁰ Id.

¹¹ Id.

¹² Ilya Somin, Why Trump's Executive Order on Sanctuary Cities is Unconstitutional, Jan. 26, 2017, available at: https://www.washingtonpost.com/news/volokh-conspiracy/wp/2017/01/26/constitutional-problems-with-trumps-executive-order-on-sanctuary-cities/?utm_term=.08e2705db64e.

CRIMINALIZATION AND ENFORCEMENT

Police, whether they actively collaborate with federal deportation agents or not, currently act as the primary funnel that leads to someone being placed in removal proceedings. The Trump administration has clarified that the President deportation force will first prioritize anyone considered a criminal, expanding that term even further to mean those arrested by police or accused of any crime.¹³ At the same time, his regime has also pledged to vastly increase the presence of law enforcement, disproportionately in communities of color and specifically mentioning cities like Chicago.¹⁴ This would undoubtedly increase the exposure to and frequency of arrest and interaction with law enforcement that results in city residents becoming a priority target for deportation agents. With that clear, defending undocumented immigrants who call our cities home requires protecting them from the racialized policing exposed by the Movement for Black Lives, not just federal immigration agents on the loose and other federal enforcement practices that are normally the focus of immigrant rights groups.

In most major cities, more than half of municipal budgets are dedicated to policing and jails. And in many, the current resurgence of interest in sanctuary for immigrants comes after several years of the renewed effort from Black-led groups to challenge state violence and racist policing.¹⁵ Where possible, one should build upon, not replace the other.

If sanctuary is a pledge to make our cities truly safe for their residents than there are more agencies to address than simply ICE and more people in need of refuge than solely undocumented immigrants.

Police, whether they actively collaborate with federal deportation agents or not, currently act as the primary funnel that leads to someone being placed in removal proceedings.

¹³ Sanctuary Movement, Revolvly.com, available at, https://www.revolvly.com/main/index.php?s=Sanctuary%20movement&item_type=topic.

¹⁴ The Original List of Sanctuary Cities, Ohio Jobs with Justice PAC, updated Jan. 18, 2017, available at: <http://www.ojjpac.org/sanctuary.asp>.

¹⁵ Amanda Peterson Beadle, Why 250 Counties Have Stopped Honoring ICE Detainers, September 22, 2014, available at <http://immigrationimpact.com/2014/09/22/why-250-counties-have-stopped-honoring-local-ice-detainers/>

President Trump, who is continuing Obama's rhetoric of deporting "criminals," will have an easy job as long as local governments continue to criminalize Black, Latino, and poor neighborhoods. Trump's executive orders on immigration and deportation are part of his broader "law and order" agenda and our cities' and our movements' defiance of it must be similarly broad.

Sanctuary as a concept must evolve and be expanded. It can be a call that unites broad swaths of institutions and civil society if it is based in the belief that collective protection should extend to all communities facing criminalization and persecution and defend against all the agencies that threaten us.

POLICY PRIORITIES

WHAT MAKES A CITY A SANCTUARY NOW?

Below are 8 policy changes that encompass both protections for immigrants from federal law enforcement and begins to envision city policies that include addressing policing and criminalization.

Any city claiming to be a “sanctuary” should seek to address these policy considerations as a minimum standard:

1. SEPARATION OF LOCAL LAW ENFORCEMENT AND IMMIGRATION ENFORCEMENT

Most cities and municipalities claiming to be “Sanctuaries” have policies limiting or prohibiting the use of immigration detainers and communication between local law enforcement and immigration enforcement regarding a person in custody. Unfortunately, not all of them go as far as they could, with some still providing certain openings for collaboration between local police and ICE; for example, in cases involving people with certain criminal convictions or those in the gang database;¹⁶ and others not including pro-active ways to defend their immigrant residents.

Sanctuary city legislation should include work to remove any exceptions to immigrant protections, and to include strong qualifiers for collaboration such as the need immigration enforcement officials to show a judicial warrant when requesting information about an individual. **Complete Sanctuary city policies should also**

include:

- Prohibiting threats by local police or city employees based on citizenship or immigration status;
- Mandating that city government will not enter into 287(g) agreements with the federal government (or other agreements that conscript local police into enforcing immigration law);

¹⁶ Tina Vasquez, The Who, What, Where, and Weaknesses of Sanctuary Cities, Nov. 23, 2016, available at: <https://rewire.news/article/2016/11/23/weaknesses-sanctuary-cities/>.

- Prohibiting ICE agents from accessing detained individuals or their contact information;
- Barring use of city facilities, equipment, personnel, and other resources, to assist in civil immigration enforcement, including for “check-points” or traffic perimeters;
- Protecting access to city benefits and services regardless of immigration status.
- Requiring all applications, questionnaires, and forms used in relation to the city that may include information regarding citizenship or immigration status be deleted.
- Prohibiting city agencies and employees from requesting information or investigating a person’s citizenship or immigration status; and that they should not disclose information regarding a person’s citizenship or immigration status;
- Ensuring that no city agency or employee will place conditions related to citizenship or immigration status for services, benefits or opportunities, unless required by law or court order;
- Recognizing that a photo identity document issued by a person’s nation of origin other than the United States, such as a driver’s license, passport or consular identification cards;
- If there are any records that include information of, or can be directly linked to an individual and identify, a person’s religion, race, gender, sexual orientation, immigration status (or lack of citizenship), national or ethnic origin, the city should take steps to bar DHS and sub-agencies access to city databases, and when possible, destroy (such has been suggested in New York City with regards to information from their municipal ID program).
- Barring access to city databases, facilities, equipment, personnel, and other resources for purposes of implementing registries based on race, gender, sexual orientation, religion, immigration status, or national or ethnic origin, or to conduct civil immigration enforcement.

2. POLICIES THAT DE-CRIMINALIZE AND REDUCE ARRESTS

Create or expand programs and diversion programs that provide an effective alternative to charges before arrest or before conviction for a variety of offenses. These programs, which could be diversionary, could start with de-criminalizing or creating alternative forms of accountability for:

- Driving under the influence (DUI);
- Crimes of survival, such as theft and sex work (or use of condoms);
- Drug-related offenses;
- Loitering and disturbing the peace charges;
- Offenses that take place in public schools or other public educational facilities;
- Homelessness or panhandling (through policies such as prohibiting sitting or lying on sidewalk, loitering and vagrancy laws);

Under a Trump regime where people with any criminal record or arrest are considered a priority for deportation, public safety approaches that do not result in arrest are going to be key to defending our communities. These are also the types of charges and crimes that funnel Black youth and youth of color, transgender people, and other vulnerable communities into incarceration. Decriminalizing drug possession and other crimes listed above and investing in community initiatives, harm reduction services, or treatment can also improve public safety and health and is good public policy.

Importantly, by policy these programs should be accessible to all city residents, including those who are undocumented or non-citizens, and should not include an admission of guilt as part of a requirement. Admissions of guilt could still be used by immigration enforcement agents to target individuals for deportation regardless the final charges.¹⁷

3. ELIMINATE USE OF LOCAL AND STATE GANG DATABASES

Eliminate the use or city participation in any database tracking supposed gang affiliation, including by local police and any law enforcement or security guard in public institutions, such as public schools, clinics, and so forth.

Local gang databases not only drive disproportionate local policing but also feed into national databases that are routinely used by DHS and immigration enforcement to select their deportation targets.¹⁸ Gang affiliation is a complicated phenomena in US cities today and inclusion in such a database is not an actual indicator that an individual is a member in reality. But being listed in the gang database does not necessarily mean that the individual is part of a gang. In reality, the ways in which individuals are recorded into a gang database are vague, inconsistent, rely on the discretion of individual police officers, including in police districts under investigation for civil rights violations and the excessive use of force.

”
42 people were entered into the gang database before their first birthday.

¹⁷ National Immigration Law Center, How ICE Uses Local Criminal Justice Systems to Funnel People Into the Detention and Deportation System, Mar. 2014, available at: <https://www.nilc.org/issues/immigration-enforcement/localjusticeandice/>.

¹⁸ Ali Winston, Obama's Use of Unreliable Gang Databases for Deportations Could Be a Model for Trump, Nov. 28, 2016, available at: <https://theintercept.com/2016/11/28/obamas-use-of-unreliable-gang-databases-for-deportations-could-be-a-model-for-trump/>.

They have been found to contain racially biased, outdated, and unreliable information. In California, for example, Black people and Latinos make up 45% of the population but 85% of the persons listed in the state's gang database, including 42 people whose names were entered before the age of one year old.¹⁹

In addition to the grave concerns about civil rights violations and due process, including that across databases, there is no way for an individual to find out whether they are in the database, and no mechanism to challenge the information.²⁰ In some jurisdictions, there is also evidence that there is racial bias that leads to overrepresentation of Black and Latinx youth in the gang data bases.²¹ It is worth noting that the city of Los Angeles is currently being sued²² precisely for its use of gang injunctions to criminalize Black and Latinx residents.

If cities are unwilling to completely eliminate the use of gang databases there are recommendations that could reduce the harm, such as reforming the database to one that includes a confidential process of notification for anyone put into the database and publicly available means to correct or challenge information; and a public auditing procedure to determine the saliency of the information or a periodic public review of the database.

4. CREATE PROGRAMS TO SUPPORT TRANSGENDER IMMIGRANTS IN FINDING MEANINGFUL EMPLOYMENT:

Helping transgender immigrants find meaningful employment by ensuring that transgender immigrant workers are able to access workforce development and investment programs and workplace trainings that will meet the unique needs of transgender people to help to create the job skills needed to sustain themselves and their family. When transgender people have access to meaningful employment, it reduces the chances that a transgender immigrant will find themselves in a situation vulnerable to police arrest or immigration detention.

¹⁹ Ali Winston, You May Be in California's Gang Database and Not Even Know It, Mar. 23, 2016, available at: <https://www.revealnews.org/article/you-may-be-in-californias-gang-database-and-not-even-know-it/>.

²⁰ Id.

²¹ Id.

²² Jennifer Medina, Gang Database Criticized for Denying Due Process May Be Used for Deportations, Jan. 10, 2017, available at: https://www.nytimes.com/2017/01/10/us/gang-database-criticized-for-denying-due-process-may-be-used-for-deportations.html?_r=0.

The program must be accessible to transgender and gender non-conforming immigrants.

Immigration detention and incarceration can be dangerous for transgender people. The Congressional Research Service has found that as many as 40% of sexual abuse complaints are not reported to ICE.²³ Of the complaints that were reported, 20% of the substantiated assaults involved transgender victims—a group comprising less than 1% of the population, including one case involving a guard who sexually assaulted a transgender woman.²⁴ Transgender prisoners also face an array of issues, including experiencing various degrees of neglect, mistreatment, abuse, denial of services including medical services and sexual abuse.²⁵

The lack of adequate protections and widespread sexual assault statistics issued by the Government Accountability Office in immigration detention and the mistreatment and denial of services in prison make it evident that transgender individuals are not safe under any conditions within public or private detention facilities or prisons. In addition to the work programs, cities should do everything within their power to improve conditions for transgender immigrants and reduce the chances of criminalization, incarceration and deportation for transgender people.

5. FUND ORGANIZING AS WELL AS LEGAL REPRESENTATION

Several states and cities have funded programs providing legal representation to immigrants in immigration courts. Unfortunately, such programs are extremely limited in scope, generally restricting representation to certain criteria. Sanctuary cities should prioritize funding of legal representation for immigrants using a universal representation model, where representation is not limited, and all immigrants receive due process through representation in immigration court.

In addition, Sanctuary cities should also prioritize the funding of grassroots

²³ Government Accountability Office, Immigration Detention: Additional Actions Could Strengthen DHS Efforts to Address Sexual Abuse, November 2013, available at: <http://www.gao.gov/assets/660/659145.pdf>

²⁴ Id.

²⁵ Transgender Law Center, Safety Inside: Problems Faced by Transgender Prisoners and Common Sense Solutions to Them, April 15, 2005, available at <https://transgenderlawcenter.org/resources/prisons/safety-inside>

organizing in immigrant communities. Grassroots organizing from immigrant communities has had a significant impact in bringing attention to cases where legal representation is not the answer - either because people do not qualify for immigration relief or because the case falls within the wide range of immigration enforcement priorities. Such organizing has in some instances been able to stop immigration enforcement from detaining or deporting an individual.

**”
Grassroots organizing from immigrant communities has had a significant impact in cases where legal representation is not the answer.**

Sanctuary cities seeking to support protections for immigrants need to invest in universal legal representation for immigrants and support community organizations with a history of building power against harmful immigration enforcement tactics. This can be proposed as community outreach and education programs that also provide information and opportunities for strengthening neighborhoods and increasing safety for vulnerable city residents.

6. END LOCAL CONTRACTS WITH IMMIGRATION ENFORCEMENT

There are cities and municipalities that have local contracts with Immigration and Customs Enforcement (ICE) to hold individuals in their jails for deportation. Although the contracts with ICE may vary across jurisdictions, most have clauses for either party to end the contract, meaning that city council could vote to end an ICE contract with a jail.

Cities with contracts with ICE may identify this as a form of revenue. In the city of Santa Ana, for example, the jail receives \$105 per day for each detainee they hold for ICE.²⁶ At the moment the detainees include around 30 transgender women, who have alleged various forms of neglect and discrimination.²⁷ After various campaigns and community pressure from immigrant and LGBT organizers, the City council is moving to end the contract with ICE.²⁸

²⁶ Jessica Kwong, After Trump's Election, Santa Ana Hopes to Quit ICE Jail Contract, Nov. 16, 2016, available at: <http://www.ocregister.com/articles/city-735739-ice-jail.html>.

²⁷ Id.

²⁸ Id.

7. DECREASE POLICE FUNDING AND REINVEST IN COMMUNITY INSTITUTIONS THAT PROVIDE LONG-TERM SAFETY

Defunding the police has been a demand championed by members of the Movement for Black Lives, particularly those involved with the Black Youth Project 100 (BYP100). Across the country, cities allocate an undue percentage of their budget and resources to police departments.²⁹ The demand from BYP100 is not only to defund the police, but also “invest those dollars and resources in Black futures.” Divesting from policing and refusing any increase allows cities to reallocate those resources to investing in health, housing, education, and other services for communities that establish stability and long-term safety.³⁰

8. ADOPT AND ENFORCE DIRECTIVES AGAINST PROFILING, DEMAND RESPECTFUL TREATMENT OF TRANSGENDER PEOPLE

Local law enforcement should adopt and implement policies and directives against profiling based on actual or perceived sexual orientation, gender, gender identity, disability, immigration status, housing, HIV status, or age.³¹ In addition, it should be prohibited to use race, religion, color, ethnicity, national origin, immigration status, gender, disability, sexual orientation, or gender identity as a factor in establishing reasonable suspicion or probable cause, exercising discretion to conduct a warrantless search or seek a search warrant.³²

²⁹ BYP100, Solutions, available at: <http://agendatobuildblackfutures.org/our-agenda/solutions/#3>.

³⁰ BYP100, Statement from BYP100 Regarding #STOPTHECOPS Action Happening NOW, available at: <http://byp100.org/stopthecops/>.

³¹ Catherine Hanssens et al., A Roadmap For Change, Federal Policy Recommendations for Addressing the Criminalization of LGBT People and People Living with HIV, May 2014, available at: https://web.law.columbia.edu/sites/default/files/microsites/gender-sexuality/files/roadmap_for_change_full_report.pdf.

³² Id.

OTHER RESOURCES

During the drafting of this document, several institutions have published helpful related resources on the theme of immigrant defense, sanctuary, and decriminalization.

One would benefit from also reviewing the Immigrant Legal Resource Center's "Local Options for Protecting Immigrants"³³ and Latino Justice's "Sanctuary, Safety and Community: Tools for Welcoming and Protecting Immigrants Through Local Democracy."³⁴

³³ Available at <https://www.ilrc.org/local-options>

³⁴ Available at <http://www.demos.org/publication/sanctuary-safety-and-community-tools-welcoming-and-protecting-immigrants-through-local-d>

CONCLUSION

WHAT MAKES A CITY A SANCTUARY NOW?

In cities across the country there is an urgency to transform local policy to limit the impact of the Trump regime's harm and to address the persisting issues of policing, state violence, and racial justice.

For sanctuary efforts to achieve their stated goal of establishing real protections for city residents they both must evolve to address the specifics of modern day enforcement and expand in scope, both in the constituencies they defend and the state activity they impact.

Reducing criminalization and mass incarceration is now an essential and irreplaceable component of sanctuary policy that seeks to have a meaningful impact in the current moment.

Alongside policy advocacy and appeals to legislators, larger strategies of community self-defense – including grassroots organizing, innovative direct action, legal defense will be required to maintain the integrity of our cities and our communities.

As has been said before, the only secure community is an organized one.



From: JJohnson@ci.homer.ak.us
To: DonnaAderhold@ci.homer.ak.us; CatrionaReynolds@ci.homer.ak.us; davidlewis@ci.homer.ak.us
Subject: New Resolution for February 27
Date: Thursday, February 16, 2017 8:46:30 AM
Attachments: [Reso 17-xxx COH Statement.docx](#)

Hello all,
Included is the resolution you wish to sponsor. It is formatted for the packet.
Please review and let me know if you wish to change anything.

Thanks,

Jo Johnson, MMC
City Clerk

City of Homer
491 E. Pioneer Avenue
Homer, Alaska 99603
907.235.3130
jjohnson@ci.homer.ak.us

PUBLIC RECORDS LAW DISCLOSURE:

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1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 Aderhold/Reynolds/Lewis

4 **RESOLUTION 17-xxx**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 STATING THAT THE CITY OF HOMER ADHERES TO THE PRINCIPLE
8 OF INCLUSION AND HEREIN COMMITTING THIS CITY TO
9 RESISTING EFFORTS TO DIVIDE THIS COMMUNITY WITH REGARD
10 TO RACE, RELIGION, ETHNICITY, GENDER, NATIONAL ORIGIN,
11 PHYSICAL CAPABILITIES, OR SEXUAL ORIENTATION REGARDLESS
12 OF THE ORIGIN OF THOSE EFFORTS, INCLUDING FROM LOCAL,
13 STATE OR FEDERAL AGENCIES.

14
15 WHEREAS, A new administration is in power in Washington, D.C. without a popular
16 mandate;

17
18 WHEREAS, During his campaign, President Donald Trump made statements offensive
19 and harmful to the rights of women; immigrants; religious, racial, and ethnic minorities;
20 veterans; the disabled; LGBTQ citizens; and the general public; and that such statements have
21 continued since his election; and

22
23 WHEREAS, The President on numerous occasions has stated clearly his disregard for
24 freedom of speech; freedom of the press; freedom of assembly; and freedom of religion,
25 particularly with regard to Muslim Americans; and

26
27 WHEREAS, The President has not disavowed his intention to create a registry of Muslim
28 Americans and now intends to ban Muslims from entering the United States; and

29
30 WHEREAS, The President now is following through on his promises to deport millions
31 of undocumented immigrants, including millions brought here as children who have grown up
32 to know no other life than that of an American; and

33
34 WHEREAS, The President now is following through on plans to build a wall on the border
35 separating the United States from Mexico without apparent regard to its cost, its effects upon
36 our nation's economy, or its sociological ramifications, and to impose an ideological test for
37 entry into our country; and

38
39 WHEREAS, The President has promised to repeal federal regulations protecting LGBTQ
40 citizens; and

41

42 WHEREAS, The President already has issued executive orders to effect the repeal of the
43 Affordable Care Act, which provides tens of millions of Americans with health care insurance
44 coverage; and

45
46 WHEREAS, The President has issued executive orders to rescind certain women's
47 reproductive rights; and

48
49 WHEREAS, The President has promised to withdraw from the Paris Climate Agreement
50 and to remove other environmental protections instituted under the previous administration,
51 and has begun a process to dismantle the Environmental Protection Agency; and

52
53 WHEREAS, Before and especially since the election, some citizens have been
54 emboldened to express overtly an intolerance of diversity that is opposed to the views of most
55 Homer residents and most Americans; and

56
57 WHEREAS, The President's cabinet nominees have expressed views similar to those laid
58 out in the whereas clauses above and thus are largely out of step with the attitudes of most
59 Homer residents; and

60
61 WHEREAS, The presidential election has exposed deep social and political divisions
62 among Americans and these divisions threaten the general peace as expressions of intolerance
63 rise; and

64
65 WHEREAS, The City of Homer recognizes that while the minority community here may
66 be relatively small, it may be vulnerable, and that if those residents feel in any way threatened
67 simply because they are minorities, the City should be on record as opposing all such
68 intolerance; and

69
70 NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Homer
71 unequivocally rejects expressions of fear and hate wherever they may exist, and specifically
72 rejects harassment of women, immigrants, religious minorities, racial and ethnic minorities,
73 and LGBTQ individuals.

74
75 BE IT FURTHER RESOLVED that the City of Homer embraces all people regardless of skin
76 color, country of birth, faith, sex, gender, marital status, or abilities; and that the City of Homer
77 will not waver in its commitment to inclusion and to continuing to create a village safe for a
78 diverse population.

79
80 BE IT FURTHER RESOLVED that the City of Homer will resist any and all efforts to profile
81 undocumented immigrants or any other vulnerable population.

82

83 BE IT FURTHER RESOLVED that the City of Homer will cooperate with federal agencies
84 in detaining undocumented immigrants when court-issued federal warrants are delivered.

85
86 BE IT FURTHER RESOLVED that the City of Homer shall steadfastly defend the United
87 States and Alaska constitutions, especially with regard to the former's precedent-backed right
88 of privacy and the latter's specified right of privacy (Article 1, Section 22), and safeguard the
89 rights declared in the Bill of Rights.

90
91 BE IT FURTHER RESOLVED that the City of Homer will continue its staunch support of
92 our local police in their ongoing efforts to enforce law and protect our community and its
93 visitors in a just, unbiased and transparent manner.

94
95 BE IT FURTHER RESOLVED that the City of Homer will declare itself a safety net for the
96 most vulnerable members of and visitors to our community.

97
98 BE IT FURTHER RESOLVED that the City of Homer calls on all its citizens to stand against
99 intolerance and resist expressions of hate toward any members of the community, and thus to
100 set an example for the rest of the nation, demonstrating that Homer residents and Alaskans
101 adhere to the principle of live-and-let-live.

102
103 PASSED AND ADOPTED by the Homer City Council this 27th day of February, 2017.

104
105 CITY OF HOMER

106
107
108
109 _____
110 BRYAN ZAK, MAYOR

111 ATTEST:
112
113
114 _____
115 JO JOHNSON, MMC, CITY CLERK

116
117 Fiscal Note: N/A