



City of Culver City

Staff Report

File #: 16-640, **Version:** 1

Item #: A-2.

CC - Consideration of Adoption of a Resolution Taking a Position on Proposed California Senate Bill 54 (2017), the California Values Act.

Meeting Date: February 27, 2017

Contact Person/Dept: Jesse Mays/Assistant to the City Manager
Phone Number: (310) 253-6000

Fiscal Impact: Yes No

General Fund: Yes No

Public Hearing: **Action Item:** **Attachments:**

Commission Action Required: Yes No

Public Notification: (E-Mail) Meetings and Agendas - City Council (02/22/17);

Department Approval: John Nachbar, City Manager (02/21/17)

RECOMMENDATION

Staff recommends the City Council (1) consider adoption of a Resolution to take a position on the proposed California Senate Bill 54 (2017) the California Values Act ("SB 54"); and (2) direct the City Manager or his designee to communicate the City's position as necessary; or (3) provide alternate direction to the City Manager as deemed appropriate.

BACKGROUND/DISCUSSION

At the February 13, 2017 City Council Meeting, Council directed staff to agendize consideration of a resolution taking a position in support of the proposed SB 54.

The City Council's 2016 Legislative and Policy Platform states that the City "commits to pursuing a policy agenda that affirms civil and human rights, and ensures that those targeted on the basis of race, religion, sexual orientation, or immigration status can turn to government without fear of recrimination."

SB 54, authorized by Senator De Leon, is currently going through the Committee process. As of January 31, 2017, it was sent to the Senate Appropriations Committee. No hearing date is set as of yet.

According to the Legislative Counsel's Digest:

Existing law in Health and Safety Code Section 11369 provides that "when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters. This bill would repeal those provisions."

The specified controlled substance provisions referenced in Section 11369 include a range of offenses from infractions to felonies. For instance, a first offense of simple marijuana possession over 28.5 ounces (Section 11357), an infraction; misdemeanors such as being under the influence of controlled substances (Section 11550), possession of certain controlled substances (Section 11350), forging or altering prescriptions (Section 11368) , and cultivating peyote (11363); and felonies pertaining to selling to minors, inducing minors to use narcotics, or using minors under the age of 14 to sell marijuana, (Sections 11361 and 11353), and possession or transporting into the state of California certain controlled substances with the intent to sell (Sections 11351, 11351.5, and 11352).

The Legislative Counsel's Digest also explains that "existing law provides that whenever an individual who is a victim of or witness to a hate crime, or who otherwise can give evidence in a hate crime investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or report or turn the individual over to federal immigration authorities. This bill would, among other things, prohibit state and local law enforcement agencies and school police and security departments from using resources to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified."

SB 54 would require:

- Within six months after the effective date of the bill, state agencies to review their confidentiality policies and identify any changes necessary to ensure that information collected from individuals is limited to that necessary to perform agency duties and is not used or disclosed for any other purpose, as specified.
- Within three months after the effective date of the bill, the Attorney General, in consultation with appropriate stakeholders, to publish model policies for use by those entities for those purposes.
- Within three months after the effective date of the bill, the Attorney General to publish model contractual provisions for all state agencies that partner with private vendors for data collection purposes to ensure that those vendors comply with the confidentiality policies, as specified.
- All public schools, health facilities operated by the state or a political subdivision of the state, courthouses, and shelters to implement the model policy, or an equivalent policy.

SB 54 would also state:

- That all other organizations and entities that provide services related to physical or mental

health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy.

- Findings and declarations of the Legislature relating to these provisions.

By imposing additional duties on public schools, SB 54 would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. SB 54 would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

A proposed Resolution is attached for City Council's consideration. This Resolution may be modified as necessary in accordance with City Council's direction.

FISCAL ANALYSIS

There is no fiscal impact for the City Council to adopt the Resolution.

ATTACHMENTS

1. 2017-02-27 - ATT Senate Bill 54
2. 2017-02-27 - ATT Proposed Resolution

MOTION

That the City Council:

1. Adopt a Resolution taking a position, either in support of or opposition to, SB 54 (2017), the California Values Act; and
2. Direct the City Manager or his designee to communicate the City's position on SB 54 as necessary; or
3. Take no position on SB 54; or
4. Provide alternate direction to the City Manager as deemed appropriate.