



# Agenda

DATE 7/31/14 TIME 8:00 a.m.

SERVED BY Fernando Rodriguez

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**Immigration Committee  
August 5, 2014  
500 Market Station, Suite 200  
Round House Conference Room  
4:30 p.m. to 6:00 p.m.**

1. Roll Call
2. Approval of Agenda
3. Approval of Minutes – July 1, 2014
4. Announcements
5. Community Comments
6. New Business
  - a. Welcome to Police Chief Eric Garcia – Alejandra Seluja
  - b. Presentation by Shelia Lewis, Director, Coordinated Community Response Council
7. Old Business
  - a. Debrief on Committee Report to City Council - Alejandra Seluja
  - b. ICE Detainers Report - Marcela Díaz
  - c. El Grito Committee Presence - Alejandra Seluja
  - d. Letter to SFPS - Alejandra Seluja, Cara Esquivel, Amparo Guerrero
  - e. City Minimum Wage Enforcement Policies. Topics to present to City Attorney - Marcela Díaz
8. Communications from Staff
9. Communications from Committee
10. Next Meeting and Adjourn

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**IMMIGRATION COMMITTEE  
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AUGUST 5, 2014**

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Call to Order and Roll Call	The Chair convened the Immigration Committee meeting at 4:45 pm, Market Center, Santa Fe, New Mexico. A quorum was declared by roll call.	Page 2
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Approval of Minutes July 1, 2014	<i>Ms. Lopez moved to approve the minutes of July 1, 2014 as amended, second by Ms. Guerrero, motion carried by unanimous voice vote.</i>	Page 2
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New Business <ul style="list-style-type: none"> <li>• Welcome to Police Chief Eric Garcia</li> <li>• Presentation by Sheila Lewis, Director, Coordinated Community Response Council</li> </ul>	<b>Informational</b>	Page 3
Old Business <ol style="list-style-type: none"> <li>a. Debrief on Committee Report to City Council</li> <li>b. ICE Detainers Report</li> <li>c. El Grito Committee Presence</li> <li>d. Letter to SFPS</li> <li>e. City Minimum Wage Enforcement Policies</li> </ol>	<b>a-d – Informational</b> <b>e: Ms. Lopez moved to approve the draft and formalization of the City Minimum Wage Policy to the Mayor and Council, second by Ms. Hemmer, motion carried by unanimous voice vote.</b>  <b>Note to the record: This item was not posted as an Action Item.</b>	Page 3-5
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**IMMIGRATION COMMITTEE  
AUGUST 5, 2014  
Market Street Offices, Santa Fe, NM  
4:30 pm – 6:40 pm**

**MINUTES**

1. The Chair, Alejandra Seluja, called meeting to order at 4:45 pm. A quorum exists and reflected in roll call.
2. Roll call did not constitute a quorum.

**Present:**

Alejandra Seluja, Chair  
Marcela Diaz  
Cara Esquibel  
Javier Rios  
Amparo Guerrero  
Elizabeth Hemmer  
Maria Cristina Lopez

**Not Present**

Jewel Cabeza de Vaca  
Cecilia Tadfor, Excused

**Others Present**

Dale Lettenberger, Santa Fe City Police Department and Staff Liaison  
Julia Valdez, Santa Fe County Representative for Commissioner Stefanics  
Victoria Ferrara, Attorney  
Sheila Lewis, Director, Santa Fe Safe  
Anna Serrano for Fran Lucero, Stenographer

3. **Approval of Agenda**

**Ms. Lopez moved to approve the agenda, second by Ms. Guerrero, motion carried by unanimous voice vote.**

4. **Approval of Minutes – July 1, 2014**

**Corrections**

***Page 3: Announcements, 3<sup>rd</sup> paragraph-line 5: Hispanic Federation should be bi-national.***

***Ms. Lopez moved to approve the minutes of July 1, 2014 as amended, second by Ms. Guerrero, motion carried by unanimous voice vote.***

5. **Announcements**

Mr. Rios informed the members of the Border Bi-National Health Week on October 4<sup>th</sup>. National Latino Aids Awareness Day (October 15-17, 2014)

Mr. Rios will bring information to the next meeting on the Mexican Council Distance Learning program.

Ms. Diaz: Action in Artesia – August 17<sup>th</sup> at Our Lady of Sorrows Church – support committee members. Congressman Pierce is talking about de-funding. Ms. Lopez asked what do the Artesia people think of detainments. Ms. Diaz said they are angry and feel used like a political football. There are children with diseased that are coming across the border. Congressman Pierce said nothing. Ms. Hemmer said there is a strong concern of Chicken Pox and TB outbreak. Ms. Diaz said that there are reports of chicken pox due to incarceration.

Ms. Seluja spoke about an alternative school focusing on GEDs, different from the school Chris Sanchez informed the committee of. Ms. Lopez said that this would be students who are on long-term suspension. Ms. Rodriguez said that the SFPS is taking this over in collaboration with the Zia School for developmentally delayed kids.

**6. Community Comments**  
None

**7. New Business**

**a. Welcome to Police Chief Eric Garcia**  
Chief not present.

**b. Presentation by Sheila Lewis, Director, Coordinated Community Response Council – Santa Fe Safe**

Ms. Lewis stated that the Coordinated Community Response Council is coordinating agencies and emerging groups to work together. Goal is to prevent violence, assure that services are available for women going through a divorce, child support questions, etc., the need to answer questions collectively to assure they have services. There is a search to hire a Director for Legal Aid to run this program. There is a need to assure that the volunteers who are providing the services are supported. There is a plan to meet with the SFCC. It was noted that the services are provided in Spanish. Ms. Hemmer said that through her experience with Catholic Charities related to the services needed for divorce, you would visit the home and there would be different circumstances. Ms. Lewis said that the goal is to compensate volunteers who provide legal services. Ms. Esquibel said that getting bi-lingual volunteers might be hard. Going to church groups is a good resources. Mr. Rios said that community health workers could also be of assistance. Ms. Lopez said that she likes the idea of contacting the SFCC as they have a paralegal program. Ms. Lewis said that this is a pilot program from the city.

**8. Old Business**

- a. Debrief on Committee Report to City Council – Alejandra Seluja  
The Chair reported on the feedback from the Mayor and Council. Councilor Bushee expressed a concern for children's well-being. It was suggested that the information be sent to the Artesia City Council. Ms. Diaz said she would like to see a Resolution result from this discussion. Ms. Lopez said that a resolution would educate and inform our community.

Ms. Rodriguez asked that the details for the creation of a draft resolution be sent to her. A City Council sponsor will be needed and assure that the City Clerk recognizes this request. It was noted that it takes approximately 2 ½ months to get a resolution through.

Ms. Lopez asked if the Mayor could issue a proclamation. Ms. Rodriguez said that the Immigration Committee could write a letter and ask the Mayor to endorse. The Chair asked Ms. Rodriguez if she could handle this request from the Immigration Committee administratively; response is yes.

b. ICE Detainers Report – Marcela Diaz

A meeting was held with Pablo Sedillo and Victoria Ferrara, Attorney provided the update. She reported that detainers are papers that ICE gives to the jail to request holds for an additional 48 hours. This does not include weekends and holidays. 287-G program allows ICE to place detainers. Feds cannot tell the state what to do. Recently this year, lawsuits worked their way through the courts. A 48 hour hold is ruled as unconstitutional. Albuquerque MDC is not to honor ICE holds but they are still reporting. The liability falls on the city or county.

Ms. Esquibel asked if Santa Fe is on Board and Ms. Diaz said, no. Ms. Ferrara said she is surprised that Santa Fe is not on the Board.

Ms. Diaz stated that she stopped engaging in the Criminal Alien Program, no informal relationship with ICDE. (Santa Fe) - Ms. Diaz made reference to an article recently in the Rio Arriba Sun (not provided for record).

Ms. Lopez would like for Mr. Pablo Sedillo, Santa Fe Police Chief Garcia, new Santa Fe County Attorney, new Jail Administrator and Ms. Ferrara to be invited to next months meeting to continue this dialogue.

c. El Grito Committee Presence – Alejandra Seluja

The Chair stated that it will be the same this year and a proclamation will be issued.

d. Letter to SFPS – Alejandra Seluja, Cara Esquibel, Amparo Guerrero

Ms. Esquibel has started to work on this letter with Carla Martinez. Ms. Esquibel provided details on the letter that has now been delivered to SFPS Superintendent and she is awaiting a response or results. Ms. Martinez and Latifah Phillips cannot say yes.

Ms. Guerrero reiterated that there are a lot of continued problems with this issue. Ms. Esquibel said they need to move forward with the generalities. 70% of the students are immigrants. Ms. Ferrara is willing to offer services and work with families to transfer children.

- e. City Minimum Wage Enforcement Policies. Topics to City Attorney – Marcela Diaz

Ms. Diaz provided a draft of the Wage Enforcement Recommendations addressed to the Mayor and City Council. She requested approval to send this on to the governing body. She stated that it is prepared in English at this time. She would like to see the City Manager order for posters with information on wages be prepared and sent out. It was recommended that Staff prepare this document on letterhead and send to the Mayor and Council. (Exhibit A)

***Ms. Lopez moved to approve the draft and formalization of the City Minimum Wage Policy to the Mayor and Council, second by Ms. Hemmer, motion carried by unanimous voice vote.***

***Note to the record: This item was not posted as an Action Item. At the direction of the Chair, it was voted on.***

**9. Communication from Staff**  
**None**

**10. Communications from Committee**

Member from the Audience reported that the Santa Fe SWAT team had entered a home in search of their friends father and loudly screaming at the Grandmother. They put handcuffs on him and 2 other friends and held them to the floor. A police complaint has been filed. Ms. Diaz invited the community member to come to the September meeting to discuss the breach in policy with the Santa Fe Police Department. Ms. Diaz wants the Chief to understand the importance of the threat.

Ms. Rodriguez informed the committee that the Economic Development representative can attend the next meeting in September.

**11. Next Meeting and Adjourn**

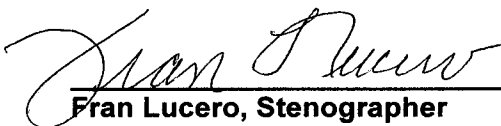
September 24, 2014 at 4:15 pm.

There being no further business to come before the Immigration Committee the meeting was adjourned at 6:40 pm.

**Signature Sheet:**



**Alejandra Seluja, Chair**



**Fran Lucero, Stenographer**

WAGE ENFORCEMENT RECOMMENDATIONS  
DRAFT FOR IMMIGRATION COMMITTEE—August 5, 2014

Dear Mayor and Councilors:

The City of Santa Fe has been a national leader when it comes to ensuring a Living Wage for workers who sustain the local economy. It has also supported stiffer penalties for unscrupulous employers who choose to break the law and pay less than the minimum wage. Still, several immigrant workers have shared reports with the Santa Fe Immigration Committee regarding wage theft and employer retaliation against employees who attempt to assert their rights.

When workers are not paid what they're owed, families suffer, businesses that follow the rules are disadvantaged, and the local economy pays the price. We believe it is incumbent on the City to ensure that the Living Wage Ordinance is fairly applied to all eligible workers.

The following are recommendations by the Santa Fe Immigration Committee for stronger and more effective wage enforcement procedures at the city:

1. City wage claim forms should be made available in Spanish and published on the City's website. These forms should also be available at city departments frequented by workers and their families, such as at GCCC or public libraries.
2. Updated posters with wage increases should be distributed to businesses with their renewed licenses. This is not the current practice.
3. Effective deterrents against wage theft should be instituted, especially toward habitual offenders:
  - Because of fear of retaliation, incidences of underpayment of wages often go unreported. Since violation of the Living Wage Ordinance is a misdemeanor, the City Attorney should forward allegations of retaliation to the City Prosecutor for investigation and possible prosecution.
  - The ordinance allows the City Manager to revoke or suspend business licenses when they are in violation of the Living Wage Ordinance. The manager should suspend and/or revoke licenses when there are two or more willful wage violations or when a business ignores the city's inquiries during an investigation. Other cities have instituted this deterrent successfully. Chicago, San Francisco, and Sommerville are examples.
  - When the city finds that a business is in violation of the Ordinance, the maximum penalties allowed should be applied. As far as we know, no employer who has violated the ordinance has had to pay interest or treble damages as called for by the Ordinance.
4. Finally, the city should explore the possibility of conducting random checks of local employers' payroll records. Several states and municipalities across the country are proactive in wage enforcement, and Santa Fe should be no exception.

Because the federal and state wage enforcement agencies have no jurisdiction over the Santa Fe Living Wage Ordinance, ultimately it is the responsibility of the City to enforce its minimum wage. Any costs associated with these administrative changes would be minimal, but they would certainly go a long way in ensuring that our city's hard working families are paid what they deserve under the law.

Thank you.

*Exhibit A*

## Ex-workers say overtime pay complaints at Posa's led to firings

By Uriel J. Garcia

The New Mexican | Posted: Friday, July 25, 2014 8:00 pm

When Carlos Campos, a seven-year cook at Posa's El Merendero, and two co-workers tried to make an appointment with the south-side eatery's owners to voice concerns that they were not receiving overtime pay, the three were fired, Campos said Thursday.

Campos and about 30 other people held a rally Thursday in the parking lot of the restaurant on Zafarano Drive, demanding the owners pay the three workers the overtime wages they claim they are owed.

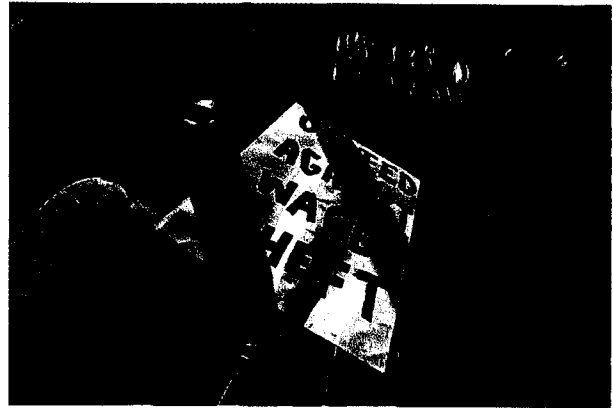
Telephone messages left with the owners of Posa's on Thursday and Friday were not returned, and other employees referred questions to the owners.

But a letter to the business owners dated July 15, and signed by Campos and former workers Mayte Flores and Valdimir Gutierrez, makes several claims that employees were not being paid for all the hours they work. For example, if the employees had to work during their 30-minute lunch break, the letter says, pay for the break was still deducted.

On Tuesday, a day after the owners received the letter, the three employees were fired. They claim the owners told them they were being fired because of their complaints.

"We're tired of the injustice and being victims of wage theft," Campos said at the rally. "I have seven years working there, and it's not just that the boss has fired us for trying to claim what belongs to us by law. We've been good employees. We're responsible workers and faithful to our jobs."

As the protesters gathered around the eatery, many of them held signs that said, "Pay us, don't fire us!" Some were chanting in Spanish: "*El patron que no paga es ladron!*" (The employer, who doesn't pay, is a thief).



### Ex-workers say overtime pay complaints at Posa's led to firings

Kalo Lopez of Santa Fe, with the local nurses union, stands Thursday in support of employees who were fired from Posa's El Merendero after they complained that they weren't properly paid for their overtime. Luis Sánchez Saturno/The New Mexican



Santa Fe police officers showed up at the protest scene after a Posa's worker called 911. But the officers simply told the protesters not to block the restaurant's door or cars that were driving by.

The former employees said they also have filed a wage-theft complaint with the U.S. Department of Labor and a complaint with the National Labor Relations Board, claiming their firing from the restaurant was a retaliatory action from the business owners. The workers are being supported by Somos Un Pueblo Unido's United Worker Center of New Mexico.

*Contact Uriel J. Garcia at 986-3062 or [ugarcia@sfnewmexican.com](mailto:ugarcia@sfnewmexican.com). Follow him on Twitter at [@ujohnnyg](https://twitter.com/ujohnnyg).*