



Agenda

DATE 11/27/13 TIME 10:58am

PREPARED BY Chris Sanchez

APPROVED BY [Signature]

**Immigration Committee
December 3, 2013
Councilors' Conference Room
City Hall
4:30 p.m. to 6:00 p.m.**

1. Roll Call
2. Approval of Agenda
3. Approval of Minutes – (Discussion Minutes Only) October 1, 2013, November 5, 2013
4. Mayoral Candidate Guests: Javier Gonzales
5. Announcements
6. Community Comments
7. New Business
 - a. Update on County Jail Policy – Guest Pablo Sedillo
 - b. Report on Southside Community Fiesta
 - c. Problems with Enforcement of City Minimum Wage
 - d. Update on Immigration Reform at the Federal Level
8. Communications from Staff
9. Communications from Committee
10. Next Meeting and Adjourn

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520 five (5) working days prior to meeting date.

**INDEX SUMMARY OF MINUTES
IMMIGRATION COMMITTEE
DECEMBER 3, 2013**

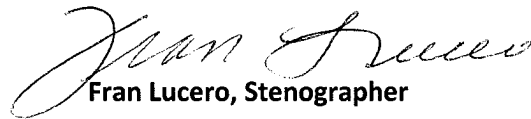
| <u>INDEX</u> | <u>ACTION TAKEN</u> | <u>PAGE(S)</u> |
|--|---|----------------|
| Cover Page | | 1 |
| Call to Order | Call to Order by Acting Chair, Maria Cristina Lopez at 4:30 pm, City Councilor's Conference Room. | 2 |
| Roll Call | A quorum was declared by roll call. | 2 |
| Approval of Agenda Ms. Hemmer requested to amend the agenda to allow Mr. Sedillo to present after approval of minutes. Mayoral Candidate Guests - Mr. Javier Gonzales will present in January, and Councilor Bill Dimas will also present in January. | <i>Ms. Esquibel moved to approve the agenda as amended, second by Ms. Diaz, motion carried by unanimous voice vote.</i> | 2 |
| Approval of Minutes October 1, 2013 and November 5, 2013 | <i>Ms. Diaz moved to approve the minutes of November 5, 2013 as presented, second by Ms. Esquibel, motion carried by unanimous voice vote.</i> <i>Ms. Esquibel moved to approve the minutes of October 1, 2013 meeting as presented, second by Ms. Hemmer, motion carried by unanimous voice vote.</i> | 2 |
| Mayoral Guest Javier Gonzales and City Councilor Bill Dimas | Deferred to January, 2014 meeting | 3 |
| Community Comments and Announcements | Informational | 3 |
| New Business <ul style="list-style-type: none"> a. Update on County Jail Policy – Guest: Pablo Sedillo, Public Safety Director b. Report on Southside Community Fiesta c. Problems with Enforcement of City Minimum Wage | Informational, no formal action taken. Thank you to Mr. Sedillo for attending the meeting and updating on the Jail Policy for Immigrants. | 3-7 |

**INDEX SUMMARY OF MINUTES
IMMIGRATION COMMITTEE
DECEMBER 3, 2013**

| | | |
|--|--|---|
| d. Update on Immigration Reform at the Federal Level | | |
| Communications from Staff Communications from the Committee | Informational | 7 |
| Next Meeting | January 7, 2014 – 4:30 pm – 500 Market Station. | 7 |
| Adjourn and Signature Page | The meeting was adjourned at 6:00 pm | 8 |
| | | |

Immigration Committee

Minutes – December 3, 2013


Fran Lucero, Stenographer

12/3/2013

**Immigration Committee
MINUTES**

December 3, 2013 – 4:30 p.m. – 6:00 pm
City Councilor's Conference Room

1. Roll Call

Present:

María Cristina López, Acting Chair
Cara Esquibel
Jewel Cabeza de Vaca
Elizabeth Hemmer
Amparo Guerrero
Marcela Diaz
Cecilia Tadfoor

Not Present

Alejandra Seluja - Excused

Others Present

Terrie Rodriguez, Staff Liaison
Pablo Sedillo, Santa Fe County
Chris Sanchez, Staff
Fran Lucero, Stenographer

2. Approval of Agenda

Ms. Hemmer requested to amend the agenda to allow Mr. Sedillo to present after approval of minutes.

#4 – Mayoral Candidate Guests - Mr. Javier Gonzales will present in January, and Councilor Bill Dimas will also present in January.

Ms. Esquibel moved to approve the agenda as amended, second by Ms. Diaz, motion carried by unanimous voice vote.

3. Approval of Minutes

October 1, 2013 and November 5, 2013

Ms. Diaz moved to approve the minutes of November 5, 2013 as presented, second by Ms. Esquibel, motion carried by unanimous voice vote.

Ms. Esquibel moved to approve the minutes of October 1, 2013 meeting as presented, second by Ms. Hemmer, motion carried by unanimous voice vote.

4. Mayoral Candidate Guest, Javier Gonzales

Move to the January, 2014 agenda. Councilor Bill Dimas will also present in January, 2014. Candidates have been invited to the meeting.

5. Community Comments

None

6. Announcements

Ms. Diaz: SOMOS will be celebrating their 18th Anniversary on December 18th. A dinner is planned on this date at 6:00 pm at Los Compañeros Restaurant. Ms. Diaz extended the invitation and noted that Mayor Coss will be honored at this event. The Chair asked that an invitation be sent through the City of Santa Fe.

There will be a Wage Theft Training in Las Cruces at the District Court House in Las Cruces, NM on December 12th from 12:00 pm to 4:00 pm.

7. New Business

a. Update on County Jail Policy – Guest: Pablo Sedillo, Public Safety Director

Mr. Sedillo expressed his thanks to the Immigration Committee and Board Members who sat at the table collectively to develop the Jail Policy. The Policy is now implemented and is in the Santa Fe County policies. What it states is that we will recognize the Priority 1 offenses through Homeland Security. Those would be Priority 1 persons; 1) a person who poses a danger to national security, b) a person who is suspected, charged or previously convicted of terrorism or espionage, c) a person who has been previously convicted or aggravated or a violent felony, d) a person who has previously been convicted of more than one felony, e) a person who is not younger than 16 years of age who has been participating in organized criminal gang, and f) a person who has been previously convicted of committing three or more crimes, each of which is punishable by more than one year in prison. This is what we are following in our policy and I believe this is what we all agreed upon.

Questions:

Ms. Esquibel: How do you determine when somebody comes in; what do you check? Is it through Secured Communities?

Mr. Sedillo said that they are abiding by the criterion that was set by the Director of Homeland Security. We look at the current charges when they are coming in and they will designate, if it is a person of National security they would probably not be coming to this facility. The first time I heard of “Secured Communities” was not too long ago; we do not have a Memorandum of Agreement (MOU), I have checked with our Legal Department, nor are we a part of this. We do have a

system in place which goes through the NCIC which is a National Criminal Information Center which when we finger print people it goes to a National data base and that is to double check that we have the correct individual. We do not participate in Secured Communities so to speak as you would need to sign an MOU with Homeland Securities. (State of New Mexico) DPS does have it.

Acting Chair Lopez: How does it affect the county?

Mr. Sedillo: It affects the county in a couple of different ways; it is my understanding that since we have a data base that goes through the state and national data base in connects in to Secured Communities so law enforcement agencies throughout the country are able to look at these data bases.

Ms. Esquibel: So you are saying it alerts them?

Mr. Sedillo: They are able to look at it through the finger printing.

Ms. Esquibel: Does it ever happen that they come to take that person because they have been alerted?

Mr. Sedillo: No. They have an opportunity to look at it and deem if it is in line with the above priorities. If do, they have a request for a detainer, it is an I-247 which is a request to the law enforcement agency. Santa Fe County averages less than 3% in the population at the facility. Our staff has been looking very closely at this, in continued discussion with the Warden we are looking at creating an Inter-disciplinary team just for immigration holds and they will review to make sure that they meet the criteria. We average less than 3% undocumented individuals in our facility. Our population as of today is about 555. The last 90 days we had 16 individuals that we had ICE detainers on for the last 60 days; 5 of them did not meet the criteria and were released to back home, 1 was released to the US Marshall because they had a hold on him as well, 1 was released to electronic monitoring and 9 inmates were released to ICE with felony charges who met the criteria. I believe we are doing a good job. When I got these numbers I spoke to the Warden and told him we needed to do a better job in identifying those individuals and we can have an Inter-Disciplinary Team to make sure they meet the criteria. Let me make it very clear that Santa Fe County does not notify ICE at all. Mr. Sedillo made reference to his relationship with ICE and their request for an office within the facility to do interviews with 21 individuals who they may have identified, Mr. Sedillo said absolutely not. It is important to know that we do not want to separate families for misdemeanor charges, first time offenses. When we do have aggravated felony's that do impact our community we do not want to release them back in to the community. Those are the ones we need to identify.

Marcela Diaz: Mr. Sedillo, you went through the breakdown for the last 60 days and you said charges and the original policy refers to convictions. Convictions or a charge, which is the correct action in the report?

Mr. Sedillo said that he would check on the term in the report, he did not believe they were convictions. Once he is correct, he will make a correction on what he reported to convictions or charges.

Ms. Diaz said that Santa Fe County has always honored ICE holds but no calls were made to ICE. Ms. Diaz said that Santa Fe should be recognized because they do adhere to the Jail Policy.

The Chair reiterated that this has been a concern over many years and expressed her thanks to Santa Fe County officials for creating this jail policy.

Ms. Diaz: Can I double check that phone calls are not being made to ICE? Is it clear that staff from the jail are not calling ICE or interviewing them?

Mr. Sedillo: No.

The Chair asked if there is any reference on the booking sheet that asks for birth or place of origin. The Chair also wanted to know if there is any indication on this booking sheet that indicates ICE hold.

Mr. Sedillo said that he will check on this.

Ms. Diaz referred to the article that indicated an individual had been held for more than 48 hours.

Mr. Sedillo stated that this individual had conditions of release; etc., there was not a condition of release for this individual. The Attorney went to Santa Fe County and reviewed the file and there was not a release. The reporter wanted more information on Secured Communities. The ICE hold had nothing to do with it. On the actual form it said; "do not hold for ICE".

Ms. Diaz said there are counties that don't honor any ICE holds. Santa Fe is choosing to assume the liability of holding based on these criteria of people for 48 hours.

The Chair asked how it relates to minors.

Ms. Diaz: Vaguely remember what we decided for minors.

Mr. Sedillo: 16+ older. The issue is that if Probation and Parole contacts ICE, there are other avenues of ways that ICE gets contacted.

Ms. Diaz: Santa Fe County will not honor any ICE holds if they don't meet the criteria.

Thank you.

b. Report on Southside Community Fiesta

This was a well organized event. There was discussion and instructional information for the community. There was food and entertainment – this is being sponsored by Councilor Carmichael Dominguez, Congressman Heinrich and Lujan and this venue will continue. Mr. Sanchez will send the dates for the next event. It is very hopeful to see the community coming together to work on the issues and to find ways to make help. It was also noted that Councilor Dominguez is also working hard on amenities for this part of town so they can also enjoy the improvements that are already in place throughout the city.

The Chair said that the City now has the equipment for translation that can be used for these public meetings so everyone can understand the language.

c. Problems with Enforcement of City Minimum Wage

Marcela Diaz: A Wage Theft Clinic had been conducted and many of the people who come to SOMOS who are victims of wage theft have met with SOMOS through the Workers Center. A meeting has been held with Zack Chandler from the City Attorney's office and work will continue to improve the complaint process with a special focus on adherence. Many people are afraid to report because they have fear of losing their jobs. There is no adverse action for an employee who complains within 60 days, there should be no retaliation. The ordinance allows the city to suspend those who retaliate. Ms. Diaz said by the 15th of December a solid compilation of the list will be available. The ordinance has been in existence for 11 years and it just hasn't been enforced.

Ms. Guerrero asked to whom individuals would go to when they don't have good working conditions and would like to report them.

Ms. Diaz said to refer them to SOMOS. It was also noted that it is a misdemeanor to violate a city ordinance.

Ms. Rodriguez said that the contracts that the city enters into with the non-profits state that they must pay minimum wage and they sign forms to assure this adherence.

Ms. Diaz asked if the criteria are the same for all city contracts. Wording on no discrimination? She asked if there is no wording in it, could there be wording?

Ms. Rodriguez said, yes and she will need to follow up on these questions.

d. Update on Immigration Reform at the Federal Level

Ms. Diaz said there have been a lot of protests. There has been discussion on Senator Pearce's book signing and they protested there. No further report.

8. Communications from Staff

Ms. Rodriguez informed the committee of a new opportunity to meet at the Railyard Offices – 500 Market Station. There are 4 conference rooms available and this is now where Ms. Rodriguez and Mr. Sanchez work from.

Meetings are the 1st Tuesday of the Month – 4:30 pm – 6:00 pm – The Committee will meet at the 500 Market Station offices in January, 2014 and a final decision will be made on location after this meeting.

Mr. Sanchez will provide the annual meeting calendar at next meeting for approval.

9. Communications from the Committee

The Chair stated that there are many City Councilor Candidates (11). The city councilor candidates are very important to the actions to the work of this committee. It was recommended to have an open forum and invite all 11 candidates.

Ms. Diaz recommended that creating a 3-5 questionnaire regarding Immigration which could be sent to the candidates beforehand. They would be invited to the February, 2014 meeting and their responses could be part of the record and discussed at a city meeting. The Chair or Ms. Lopez will take the responsibility of inviting the candidates to the next meeting.

Ms. Esquibel attended the provider meeting at Zona Del Sol regarding the new school opening; it was inspirational to see all these people there with a common goal of creating a mission and a vision for this school. If more of this positive communication happened with students it would show them there is hope.

Ms. Diaz said there is a new Editor for the New Mexican and it was recommended that he be invited to one of the future meetings. It is important for the reporters to always report correct information. It is important to educate and to assure that correct information is reported on in the future. Ms. Lopez or Ms. Seluja will take the responsibility of inviting the Editor to a future meeting.

Ms. Hemmer informed the committee that there is funding available through Santa Maria de la Paz and the St. Francis Basilica to support the needs of non-profits. This year the requests have been minimal. Ms. Hemmer provided her contact information for anyone interested to submit an application.

10. Next Meeting

January 7, 2014 – 4:30 pm – 500 Market Station.

11. Adjourn

There being no further business to come before the Immigration Committee meeting was adjourned by the Chair at 6:00 pm.

Signature Page:



Maria Christina Lopez, Acting Chair



Fran Lucero, Stenographer