

SOPHIE HAHN

Berkeley City Council, District 5

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CONSENT CALENDAR

July 25, 2017

To: Honorable Mayor and Members of the City Council

From: Councilmember Sophie Hahn, Mayor Jesse Arreguín, and Councilmembers Cheryl Davila and Kate Harrison

Subject: Expediting Elements of Previous Council Referral to Study Possible Scenarios of the Loss of Federal Funds

RECOMMENDATION

Direct the City Manager to expedite the compilation and delivery of a list of federal funds that the City of Berkeley receives and the programs and facilities supported by such funds.

BACKGROUND

On April 4, 2017, the Berkeley City Council unanimously approved a referral to the City Manager to prepare a preliminary conceptual report on possible scenarios of the loss of federal funds, the impacts on the City of Berkeley, and potential solutions. The referral was initially made in response to the Trump administration's early threats to sanctuary cities and proposed budget reductions for federal agencies.

In light of continued posturing and threats to sanctuary cities, the Supreme Court's failure this week to fully strike down the discriminatory, dangerous and unfounded "Muslim travel ban," and the potential passage of HR 3003, a bill which directly attacks sanctuary cities, we believe that this study of federal funds has gained urgency.

HR 3003 would require that state and local law enforcement agencies enforce federal immigration detainers, which courts and the federal government have previously acknowledged to be voluntary. The bill also creates a private right of action for victims of felony offenses and their families that would allow them to sue jurisdictions that do not honor detainers, where the perpetrator of the crime was the subject of the detainer that was not honored.

H.R. 3003 would prohibit jurisdictions from maintaining or adopting community trust policies that restrict officers from inquiring about the immigration or citizenship status of individuals, and would redefine existing requirements under 8 U.S.C. 1373 that state and local law enforcement share a narrow category of information with federal immigration authorities. Instead, the bill would seek to compel states and localities to

carry out immigration enforcement, which have traditionally been the responsibility of the federal government.

HR 3003 also expands mandatory detention of immigration violators. The bill would significantly expand the categories of offenses triggering mandatory detention, including all those with driving-while-intoxicated offenses, with no exception for decades-old violations. All those covered under this provision would be subject to mandatory detention, with no limitation on the time they can be held, no opportunity to receive bond, and limited avenues to seek relief.

With escalating circumstances at the Federal level, and the failure of our judicial system to vigorously protect human and civil rights, it appears more likely that sanctuary cities may be targeted for penalties or loss of funding, and the City must begin to make plans for a potential loss of federal funds.

Because the original referral to staff was fairly broad, and included study of funding alternatives, it could not be completed within 3 months and was referred to the referral prioritization process. In light of changing circumstances, and an escalation of rhetoric and actions which threaten human and immigrant rights and may seek to compel the City to participate in actions Berkeley will not enforce, the City Manager is directed to immediately compile and present to the City Council for consideration a list of federal funds the city receives and the programs and/or facilities those funds support.

FINANCIAL IMPLICATIONS

Staff time

ENVIRONMENTAL IMPACTS

This recommendation is consistent with Berkeley's environmental sustainability goals.

CONTACT PERSON

Councilmember Sophie Hahn, Council District 5, (510) 981-7150

ATTACHMENTS

1. Developing a Report Detailing Impacts of Potential Loss of Federal Funding on the City of Berkeley, as approved at the April 4, 2017 City Council Meeting

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CONSENT CALENDAR

April 4, 2017

To: Honorable Mayor and Members of the City Council

From: Councilmember Sophie Hahn

Subject: Developing a Report Detailing Impacts of Potential Loss of Federal Funding on the City of Berkeley

RECOMMENDATION

Refer to the City Manager to prepare a preliminary conceptual report on possible scenarios of loss of federal funds, the impacts on the City of Berkeley, and potential solutions

FINANCIAL IMPLICATIONS

Unknown; Staff time to prepare the report

BACKGROUND

The Trump administration has repeatedly threatened sanctuary cities with cuts to federal funding, as a response to these cities' non-compliance with the administration's new aggressive immigration policies. Some cities have pursued action to combat the Trump administration's actions against sanctuary cities and threats to federal funding for healthcare, nutrition, and education programs often serving low-income populations. Specifically, the City of San Francisco has sued the administration over threats to sanctuary cities, citing violations of state rights provisions of the U.S. Constitution¹.

Further, the Trump administration has already published plans for a number of significant budget reductions and cuts to federal departments such as the Department of Housing and Urban Development, the Department of Education, the Environmental Protection Agency, and the Department of Energy. These budget reductions would significantly impact the amount of money that states and cities receive from the federal government.

The City of Berkeley receives roughly \$11.5M in Federal Funding each year. These funds support a wide variety of programs and services that the City provides, and come from a number of different federal departments including HUD, FEMA, and the Department of Energy.

In light of the Trump administration's threats to sanctuary cities and the proposed budget reductions for federal agencies, the City Council requests that the City Manager

¹ <http://www.latimes.com/local/lanow/la-me-san-francisco-trump-20170131-story.html>

prepare a report detailing federal funding that the City receives, the impacts federal funding on City services and programs, and potential solutions to fill possible funding shortfalls.

ENVIRONMENTAL SUSTAINABILITY

No environmental impacts

CONTACT PERSON

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