



Cathedral City

## CITY COUNCIL STUDY SESSION AGENDA

CITY COUNCIL CHAMBERS      68-700 AVENIDA LALO GUERRERO      CATHEDRAL CITY, CA 92234

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Wednesday, December 14, 2016

STUDY SESSION

4:30 PM

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- **CALL TO ORDER**
- **ROLL CALL**
- **AGENDA FINALIZATION**

*At this time, the City Council may announce any items being pulled from the agenda or continued to another date.*

- **STATEMENT OF PARTICIPATION BY THE DEPUTY CITY CLERK**

### **1. PUBLIC COMMENT**

*Public Comment is limited to 3 minutes per person.*

### **2. STUDY SESSION**

*Normally, no action is taken on Study Session items; however, the City Council reserves the right to give specific policy direction and take specific action as necessary. Presentations will be limited to 10 minutes unless other provisions are made in advance.*

**2.A.    [2016-533](#)      California Municipal Financing Authority (CMFA) Presentation on the CMFA Open PACE Program**

**Recommendation:** Staff recommends that the City Council receive a report, discuss and provide direction to staff.

**2.B.    [2016-523](#)      American Public Works Association (APWA) Project of Merit Award for Ocotillo Park.**

**Recommendation:** Report and Presentation of Award.

**2.C.    [2016-532](#)      Business Relocation Assistance Program**

**Recommendation:** This item is presented for information, discussion and direction only.

**2.D.    [2016-517](#)      Local Government and Immigration Enforcement**

**Recommendation:** This item is presented for information, discussion and direction only.

### **3. CLOSED SESSION**

*The City Council may hear all or some of the following Closed Session Items if time permits, otherwise they will be heard at the end of the City Council Meeting.*

**3.A.    [2016-520](#)        Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

**Property Location:** APNS: 680-442-039 (33560 Navajo Trail)

**Negotiating Parties:** City of Cathedral City as Housing Successor Agency to the former Redevelopment Agency and James Fortson

**Property Owners:** Housing Successor Agency

**Under Negotiations:** Price and Terms for potential purchase of real property

**3.B.    [2016-494](#)        Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

**Property Location:** Approximately 5.79 acres at Margot Murphy Way south of E. Palm Canyon Drive; A.P.N. 687-510-049 and 687-510-050, Parcels 6 and 7

**Negotiating Parties:** City Council as Successor Agency to the Former Redevelopment Agency and City Urban Revitalization Corp.

**Property Owners:** City Urban Revitalization Corp.

**Under Negotiation:** Price and Terms for Potential Sale of Real Property

**3.C.    [2016-527](#)        Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

**Property Location:** Approximately 15 acres south of East Palm Canyon Drive at Date Palm Drive

**Negotiating Parties:** City of Cathedral City as the Successor Agency to the former Redevelopment Agency and the City Urban Revitalization Corporation

**Property Owner:** City Urban Revitalization Corporation

**Under Negotiations:** Price and Terms for potential sale of real property

### **ADJOURN**

*The next Regular City Council Meeting will be held on Wednesday, January 11, 2017, at 6:30 p.m.*

### **NOTES TO THE PUBLIC:**

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting or other services offered by this City, please contact the City Clerk's Office at (760)770-0322. Assisted-listening devices are available at this meeting. Ask the City Clerk if you desire to use this device. Notification at least 48 hours prior to the meeting or the time when services are needed will assist city staff in assuring reasonable arrangements can be made to provide accessibility to the meeting or service.*





# Cathedral City

## Agenda Report

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**File #:** 2016-533

**Item No:** 2.A.

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***City Council***

**MEETING DATE:** 12/14/2016

**TITLE:**

**California Municipal Financing Authority (CMFA) Presentation on the CMFA Open PACE Program**

**FROM:**

Pat Milos, Community Development Director

**RECOMMENDATION:**

Staff recommends that the City Council receive a report, discuss and provide direction to staff.

**BACKGROUND:**

The CMFA is a Joint Powers Authority formed to assist local governments, non-profit organizations and businesses by promoting economic, cultural and community development, with the financing of economic development and charitable activities throughout California. To date, over 250 municipalities have become members of the CMFA.

As part of its economic and community development, the CMFA along with its current Program Administrators, Energy Efficient Equity, Inc.; BlueFlame PACE Services LLC; OnPACE Energy Solutions, LLC; and Structured Finance Associates, LLC; are offering PACE financing for residential and commercial property owners in its member territories. The CMFA is expected to issue limited obligation bonds, notes or other forms of indebtedness to fund the projects.

PACE is an innovative way to finance energy efficiency, water efficiency, and renewable energy upgrades for residential and commercial buildings. Property owners who participate in the program repay the loans through a voluntary contractual assessment collected together with their property taxes. One of the most notable characteristics of PACE programs is that the loan is attached to the property rather than belonging to an individual. Therefore, when the owner sells the property, the loan may be paid off during the sale or stay with the property and be paid off by the new owner, who also

benefits from the upgrades that were completed.

PACE financing enables individuals and businesses to defer the upfront costs of energy efficiency, water efficiency and renewable energy improvements. PACE loans are paid over a long period of time while energy costs are simultaneously lower, which typically provides the property owner with net savings. PACE overcomes challenges that have hindered adoption of energy efficiency and renewable energy measures for many property owners.

**DISCUSSION:**

Staff has determined that participation in this program is a cost effective means of offering property owners the opportunity to make energy and water efficiency retrofits to their property and create new local jobs. Property owners will repay the financing as a charge on their property tax bill over a period of years

**FISCAL IMPACT:**

There are no direct fiscal impacts related to this action

**ATTACHMENTS:**

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## Agenda Report

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**File #:** 2016-523

**Item No:** 2.B.

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**City Council**

**MEETING DATE:** 12/14/2016

**TITLE:**

**American Public Works Association (APWA) Project of Merit Award for Ocotillo Park.**

**FROM:**

John A. Corella, P.E. - City Engineer

**RECOMMENDATION:**

Report and Presentation of Award.

**BACKGROUND:**

The American Public Works Association (APWA) represents more than 28,500 members of all aspects of the public works profession worldwide. Founded in 1894, APWA is the comprehensive public works resource in North America.

APWA has a rich tradition of making a difference on the professional level and prides itself on its ability to provide educational opportunities that help public works personnel to grow in their professionalism and directly impact the quality of life in the communities they serve.

Every year APWA local branches place a request for projects that are extraordinary enough to compete for prized APWA awards. Projects are placed within defined categories, such as, Streets and Transportation Projects, Revitalization Projects, Parks and Trails Projects, Buildings and Facilities Projects, Water and Wastewater Projects and Public Works Programs. These are competitive submittals. The projects are then evaluated by the local branch awards committee.

**DISCUSSION:**

Ocotillo Park's (formerly Whitewater Park) design engineers, David Evans and Associates and City Staff, incorporated several unique design and construction features into this Park Project. Features were incorporated that provided sustainability and functionality. For a small example, solar power and LED lighting systems were incorporated in the Park Project, as well as low impact environmentally friendly and sustainable pervious surfaces. There are numerous innovative features to the Park Project, that alone do not stand out, but when combined add up to a well thought out

completed Park Project that was well received by the community.

As a result, on November 17, 2016 at the Agua Caliente Casino Ballroom, the Coachella Valley Branch of the Southern California Chapter of APWA presented the City of Cathedral City with the 2015 - 2016 Parks and Trails Project of Merit Award for the Ocotillo Park Project.

As a result of the Park Project receiving this award from the local APWA Chapter, the Ocotillo Park Project is moved forward into a larger regional (Southern California Chapter) award contest and competed with other projects from other APWA Branches within the same category.

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

None



# Cathedral City

## Agenda Report

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**File #:** 2016-532

**Item No:** 2.C.

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**City Council**

**MEETING DATE:** 12/14/2016

**TITLE:**

**Business Relocation Assistance Program**

**FROM:**

Charlie McClendon, City Manager

**RECOMMENDATION:**

This item is presented for information, discussion and direction only.

**BACKGROUND:**

On October 26, 2016, Council approved an amendment to the FY16-17 budget that included \$50,000 for establishing a fund to provide relocation assistance to businesses needing to relocate as the result of a cannabis business moving into their existing location. Staff was asked to develop proposed procedures for administering the relocation assistance program for future consideration by Council. The budget amendment established the funding in the general fund using revenues anticipated to be generated through taxes paid by cannabis businesses.

**DISCUSSION:**

Staff has identified the following possible program parameters for discussion by Council. Once Council has provided their input a formal resolution establishing the program policies will be brought forward for Council action, most likely on January 11, 2017.

1. The relocation assistance program is not available to owner-occupied businesses who sell their property to a cannabis business.
2. Businesses (lessee) having a lease that is terminated by the landlord (lessor) in favor of a cannabis business shall submit the following documentation along with their request for assistance:
  - a. A copy of the lease that was in effect at the time of termination and a copy of the notice of termination.
  - b. Receipts documenting all non-refundable relocation expenses for which the business is requesting reimbursement assistance. Refundable deposits are not an eligible expense.



- c. Documentation of any payment received from the lessor as compensation for the remaining term of the lease. Payment received will be deducted from the eligible relocation expenses.
- d. A copy of the new lease for the property to which the business has relocated. The new location must be in Cathedral City.
- e. Staff will verify that an application for a local license and/or CUP for a cannabis business in the former location have been received.
- f. The business will be eligible for reimbursement assistance of 50% of eligible relocation expenses up to a maximum of \$20,000

3. Businesses having an expiring lease that is not being renewed or who are operating without a lease shall submit the following documentation along with their request for assistance:

- a. A copy of the lease that is expiring or has expired and a copy of the notice of or non-renewal. If the business has been operating without a lease they shall submit a statement signed by both the business and the landlord indicating that there is not a lease in place.
- b. Receipts documenting all non-refundable relocation expenses for which the business is requesting reimbursement assistance. Refundable deposits are not an eligible expense.
- c. A copy of the new lease for the property to which the business has relocated. The new location must be in Cathedral City.
- d. Staff will verify that an application for a local license and/or CUP for a cannabis business in the former location have been received.
- e. The business will be eligible for reimbursement assistance of 50% of eligible relocation expenses up to a maximum of \$20,000.

4. Assistance packages of up to \$5,000 may be approved by the City Manager upon satisfactory documentation of program requirements. Assistance packages of \$5,000 or more will require Council approval.

5. The Council has authorized \$50,000 for the program. Funds will be allocated to qualifying businesses in the order in which requests are received. Once the funds are exhausted no additional requests will be accepted unless the Council acts to authorize additional funding.

**FISCAL IMPACT:**

\$50,000 has been authorized by Council and is included in the amended FY 16-17 budget.

**ATTACHMENTS:**

None



# Cathedral City

## Agenda Report

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**File #:** 2016-517

**Item No:** 2.D.

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**City Council**

**MEETING DATE:** 12/14/2016

**TITLE:**

**Local Government and Immigration Enforcement**

**FROM:**

Charlie McClendon, City Manager

**RECOMMENDATION:**

This item is presented for information, discussion and direction only.

**BACKGROUND:**

The proper role for local governments, and particularly for local law enforcement agencies, in enforcement of national immigration policy has been a controversial topic for some time. Recently, with a potential change in direction from the federal level, some local jurisdictions are evaluating their positions on the topic. Councilmember Kaplan has requested that a study session topic be placed on the agenda to allow Council to learn more about the various positions cities have taken and to discuss the topic.

**DISCUSSION:**

The Cathedral City Police Department has an adopted policy (#428), which establishes the approach the department will take related to immigration enforcement. The policy has been in place since 05/05/16. Among the provisions of the policy are the following:

- The Mexican government's Matricular Consular is accepted as a valid form of ID.
- Persons otherwise eligible for release will not be detained based upon a suspected civil immigration violation.
- Persons may be detained based upon reasonable suspicion of a criminal immigration violation but race, ethnicity or lack of English proficiency alone may not form the basis for a reasonable suspicion determination.

Communities across the nation have taken varying approaches to establishing the role that local police agencies will take in immigration enforcement. The term "sanctuary city" is sometimes used to describe cities whose policy makers have decided not to participate in assisting federal immigration enforcement.

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The Washington Post (September 7, 2016) offered the following information on so-called sanctuary cities:

"There's no official definition of "sanctuary," but it generally refers to rules restricting state and local governments from alerting federal authorities about people who may be in the country illegally.

Sanctuary policies came under fresh criticism after the July 2015 death of Kate Steinle <<http://fas.org/sgp/crs/homesecc/sanctuary.pdf>>, a woman who was shot and killed <[https://www.washingtonpost.com/politics/calif-killing-inflames-debate-on-illegal-immigrants-sanctuary-cities/2015/07/06/8dc6eb50-241e-11e5-b72c-2b7d516e1e0e\\_story.html](https://www.washingtonpost.com/politics/calif-killing-inflames-debate-on-illegal-immigrants-sanctuary-cities/2015/07/06/8dc6eb50-241e-11e5-b72c-2b7d516e1e0e_story.html)> in San Francisco, allegedly by an undocumented immigrant and repeat felon who had been deported five times to Mexico. San Francisco police had released him from custody after drug charges were dropped, despite a request from the Department of Homeland Security to deport him. Immigration enforcement is a federal responsibility. State and local law enforcement officials can decide to what extent they want to cooperate with the federal government on immigration enforcement.

According to an analysis of Immigration and Customs Enforcement (ICE) records by the Texas Tribune <<https://www.texastribune.org/2016/01/15/34-texas-counties-declined-hold-deportable-immigra/>>, ICE identified at least 165 cities and counties that had specific policies limiting cooperation on immigration enforcement. Researchers on both sides of the immigration issue have found more than 300 local jurisdictions that have such policies.

Major cities like San Francisco, Chicago, New York, Baltimore and Boston are sanctuary cities. Interestingly, New York had sanctuary policies even under former mayor Rudolph W. Giuliani <<http://www.factcheck.org/2007/12/the-sanctuary-spat/>>, now an adviser to Trump's campaign. ICE can issue an "immigration detainer," a request to be notified when a "criminal alien" (a noncitizen convicted of a crime) is being released from a state or local law enforcement agency. This is so ICE can take custody of such people when they're released and figure out whether they're subject to deportation.

But some local or state law enforcement agencies decide not to tell ICE when a "criminal alien" is released, for several reasons. Some agencies say it leads to mistrust between the community and law enforcement, because victims and potential witnesses might not come forward to report crimes if they are afraid of being reported to federal authorities for their immigration status.

Reluctance among local and state agencies grew after a DHS program failed to prioritize <<http://fas.org/sgp/crs/homesecc/R43457.pdf>> deportation of convicted immigrants, and state and local governments saw it as a drain on their resources. With many local and state agencies strapped for cash, they declined to cooperate in what is ultimately a federal responsibility.

Between January 2014 and September 2015, local and state law enforcement agencies declined 18,646 ICE immigration detainers, the Texas Tribune found

<<https://www.texastribune.org/2016/01/15/34-texas-counties-declined-hold-deportable-immigra/>>. California had the most declined detainers, by far....

Local and state governments can decide not to participate in federal immigration enforcement - which ultimately is a federal responsibility. Many local jurisdictions do cooperate, with the idea that they're multiplying forces to find removable noncitizens." (The Washington Post, on-line article, September 7, 2016)

The Los Angeles Times reported that "Los Angeles officials have been vocal since election day about

protecting the city's immigrants. Earlier this week, Los Angeles Police Chief Charlie Beck reiterated that the department has no plans to get involved in any deportation efforts by the federal government and would continue a longstanding policy against allowing officers to stop people solely to determine their immigration status." (Los Angeles Times, on-line article, November 18, 2016)

Finally, the San Francisco Chronicle reported on the effect of a potential withholding of federal funding from "sanctuary cities":

"President-elect Donald Trump <<http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22Donald+Trump%22>>'s threat to cut all federal funding to sanctuary cities could touch just about every facet of San Francisco government - from the airport to the courts to the Public Health Department.

The city receives about \$1 billion annually from the federal government, according to Controller Ben Rosenfield <<http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22Ben+Rosenfield%22>>,

the city's chief fiscal officer. Of that money, \$478 million comes directly from the federal government. The balance comes from the federal government via the state of California.

Rosenfield recently compiled a list of which departments receive the bulk of the federal funding.

- The Human Services Agency <<http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22The+Human+Services+Agency%22>> receives around \$260 million directly from the federal government, plus another \$324 million from the state in administrative support. Trent Rhorer <<http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22Trent+Rhorer%22>>, the agency's director, said the money is used for everything from foster care payments, child care subsidies and adoption assistance.

- The Department of Public Health <<http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22Department+of+Public+Health%22>> receives about \$68 million directly from the federal government, and another \$333 million from the state. Most of the money that comes directly from Washington goes toward HIV and AIDS services. It totals \$33 million. Around half of the state-disbursed money goes to mental health services and San Francisco General Hospital <<http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22San+Francisco+General+Hospital%22>>.

- The Police Department <<http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22The+Police+Department%22>> receives around \$52 million from the state, and another \$2.8 million directly from the federal government. Virtually all of it goes toward operations and administration.

- The Sheriff's Department receives around \$27.5 million from the state, but just \$100,000 directly from the federal government. Most of the state money is for costs related to incarceration.

- The Public Works Department <<http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22The+Public+Works+Department%22>> receives roughly \$22 million directly from the federal government for capital projects, plus another \$19 million from the state, most of it for "street environmental services."

- The Police Department <<http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22The+Police+Department%22>> receives around \$52 million from the state, and another \$2.8 million directly from the federal government. Virtually all of it goes toward operations and administration.

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•San Francisco International Airport <<http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22San+Francisco+International+Airport%22>> receives nearly \$30 million directly from the federal government for capital projects and grants.

•The Fire Department <<http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22The+Fire+Department%22>> receives \$51 million from the state and another \$1.9 million directly from the federal government. The federal government also gives \$38.5 million to house and shelter homeless people. However, to what extent Trump's threat to cut "all" federal funding to sanctuary cities becomes reality remains a question.

A 2015 resolution by the U.S. House of Representatives <<http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22U.S.+House+of+Representatives%22>> called for pulling funding from sanctuary cities. But the resolution affected just three criminal justice grant programs, and San Francisco only received \$272,540 in the current fiscal year, according to the Budget and Legislative Analyst's Office. Some departments don't get any money directly from the federal government, but a significant portion from the state. San Francisco trial courts, for example, receive \$91 million from the state, according to the controller.

The risk for the courts is that if Trump cuts federal funding to the state, that would likely lead to budget cuts all around, meaning less money for the judiciary.

"To the extent that any federal funds are withdrawn from the state and the state replaces any of those funds, it will put enormous pressure on our court system," said Martin Hoshino

<<http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22Martin+Hoshino%22>>, administrative director of California courts. "The court system takes up such a thin slice of the state budget that any cut to it has huge implications for those who rely on our courts to remedy problems." (San Francisco Chronicle, on-line article, November 28, 2016)

### **FISCAL IMPACT:**

Current policy is part of standard procedures fully funded through the adopted budget.

### **ATTACHMENTS:**

Police Department Police #428

## Immigration Violations

### 428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Cathedral City Police Department for investigating and enforcing immigration laws.

### 428.2 POLICY

It is the policy of the Cathedral City Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

### 428.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or California Constitutions.

### 428.4 ENFORCEMENT

An officer may detain an individual when there are facts supporting a reasonable suspicion that the individual entered into the United States in violation of a federal criminal law. Federal authorities shall be notified as soon as possible and the detained individual shall be immediately released if the federal authorities do not want the person held. An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

#### 428.4.1 CIVIL VS. CRIMINAL FEDERAL OFFENSES

An individual who enters into the United States illegally has committed a misdemeanor (8 USC § 1325(a)). Generally, an alien who initially made a legal entry into the United States but has remained beyond what is a legal period of time has committed a federal civil offense.

Reasonable suspicion that a criminal immigration violation has occurred shall not be based on race, color, national origin or any other generalization that would cast suspicion on or stigmatize any person, except to the extent permitted by the United States or California Constitutions. Instead, the totality of circumstances shall be used to determine reasonable suspicion, and shall include factors weighing for and against reasonable suspicion.

Factors that may be considered in determining reasonable suspicion that a criminal immigration violation has occurred may include, but are not limited to:

- (a) An admission that the person entered the United States illegally.

# Cathedral City Police Department

## Policy Manual

### *Immigration Violations*

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- (b) Reason to suspect that the person possesses immigration documentation that is forged, altered or otherwise indicative that the person is not legally present in the United States.
- (c) While a lack of English proficiency may be considered, it should not be the sole factor in establishing reasonable suspicion. When practicable, reasonable effort should be made to accommodate persons with limited English proficiency.
- (d) Other factors based upon training and experience.

#### 428.4.2 MEXICAN CONSULAR IDENTIFICATION

The "Matricular Counsular" is an identification card issued by Mexican Consulate offices to Mexican citizens who can prove their nationality and identity. It shall be the policy of the Cathedral City Police Department to accept the Matricular Counsular Identification Card as a valid form of identification.

#### 428.4.3 IMMIGRATION CHECKS

Immigration status may be determined through any of the following sources:

- (a) A law enforcement officer who is authorized by the federal government under 8 USC § 1357 to verify or ascertain an alien's immigration status (sometimes referred to as a 287(g) certified officer)
- (b) Immigration and Customs Enforcement (ICE)
- (c) U.S. Customs and Border Protection (CBP)

An officer shall verify from a 287(g) certified officer, ICE or CBP whether a person's presence in the United States relates to a federal civil violation or a criminal violation.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request ICE or CBP to respond to the location to take custody of the detained person. In addition, the officer should notify a supervisor as soon as practicable. No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities or the potential to obstruct a separate investigation outweigh the need for the detention.

#### 428.4.4 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained a person and established probable cause to believe the person has committed a criminal immigration offense, the supervisor should:

- (a) Confirm that the detained person's immigration status was properly verified.
- (b) Ensure that the detained person is taken into custody when appropriate. Take any additional steps necessary that may include, but are not limited to:
  - 1. Transfer to federal authorities.
  - 2. Lawful arrest for a criminal offense or warrant.

# Cathedral City Police Department

## Policy Manual

### *Immigration Violations*

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#### **428.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT**

Except as described below, it is not necessary to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail. Notification should be handled according to jail operation procedures.

Whenever an officer has reason to believe that an individual arrested for any offense listed in Health and Safety Code § 11369 may not be a citizen of the United States, and the individual is not going to be booked into the county jail, the arresting officer shall notify ICE or other appropriate agency of the United States.

Individuals arrested for other offenses who are not going to be booked into the county jail may be reported to ICE or other appropriate agency of the United States.

When determining whether notification of immigration authorities is appropriate, the officer should, in consultation with a supervisor, consider the totality of circumstances of each case, including, but not limited to:

- (a) Seriousness of the offense
- (b) Community safety
- (c) Potential burden on ICE or other federal agency
- (d) Impact on the immigrant community

No individual who is otherwise ready to be released should continue to be detained solely for the purpose of making notification to immigration authorities.

#### **428.6 TRAINING**

The Training Manager shall ensure that all appropriate members receive immigration training.

#### **428.7 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa may be completed by an officer in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Detective Bureau supervisor assigned to oversee the handling of any related case. The Detective Bureau supervisor shall:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.



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- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
  - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
  - 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
- (e) Inform the victim liaison of any requests and their status.

#### **428.7.1 TIME FRAMES FOR COMPLETION**

Officers and their supervisors who are assigned to investigate a case of human trafficking shall complete the above process and the documents needed for a T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed for a U visa application pursuant to Penal Code § 679.10 within 90 days of a request from the victim or victim's family related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within 14 days of the request.

#### **428.8 INFORMATION SHARING**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from ICE
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state or local government entity

#### **428.8.1 IMMIGRATION HOLDS**

Individuals should not be held in custody solely for a civil immigration hold under 8 CFR 287.7 unless the individual (Government Code § 7282; Government Code § 7282.5):

- (a) Has been convicted of offenses specified in Government Code § 7282.5.
- (b) Has been charged with offenses specified in Government Code § 7282.5 after a court has determined probable cause supports the charge.
- (c) Is a sex or arson registrant.

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In no event should a person be held under this section for longer than 48 hours. Notification to the federal authority should be made prior to the release.

#### **428.9 ICE REQUESTS FOR ASSISTANCE**

Requests by ICE, or any other federal agency, for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.



# Cathedral City

## Agenda Report

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**File #:** 2016-520

**Item No:** 6.A.

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***Housing Successor Agency***

**MEETING DATE:** 12/14/2016

**TITLE:**

**Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

**Property Location:** APNS: 680-442-039 (33560 Navajo Trail)

**Negotiating Parties:** City of Cathedral City as Housing Successor Agency to the former Redevelopment Agency and James Fortson

**Property Owners:** Housing Successor Agency

**Under Negotiations:** Price and Terms for potential purchase of real property

**FROM:**

Tami Scott, Administrative Services Director



# Cathedral City

## Agenda Report

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**File #:** 2016-494

**Item No:** 6.B.

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### *Successor Agency to the Former Redevelopment Agency*

**MEETING DATE:** 12/14/2016

**TITLE:**

**Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

**Property Location:** Approximately 5.79 acres at Margot Murphy Way south of E. Palm Canyon Drive; A.P.N. 687-510-049 and 687-510-050, Parcels 6 and 7

**Negotiating Parties:** City Council as Successor Agency to the Former Redevelopment Agency and City Urban Revitalization Corp.

**Property Owners:** City Urban Revitalization Corp.

**Under Negotiation:** Price and Terms for Potential Sale of Real Property



# Cathedral City

## Agenda Report

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**File #:** 2016-527

**Item No:** 6.C.

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***Successor Agency to the Former Redevelopment Agency***

**MEETING DATE:** 12/14/2016

**TITLE:**

**Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

**Property Location:** Approximately 15 acres south of East Palm Canyon Drive at Date Palm Drive

**Negotiating Parties:** City of Cathedral City as the Successor Agency to the former Redevelopment Agency and the City Urban Revitalization Corporation

**Property Owner:** City Urban Revitalization Corporation

**Under Negotiations:** Price and Terms for potential sale of real property