



City Council of Monterey Park
The City Council Acting on Behalf of the Successor Agency of the Former Redevelopment Agency, the Housing Authority, the Monterey Park Financing Authority and the Monterey Park Geologic Hazard Abatement District Agenda

Special Meeting
Monterey Park City Hall, Room 266
320 W. Newmark Avenue, Monterey Park, CA 91754

Wednesday, July 2, 2025
5:30 PM

Mission Statement

The mission of the City of Monterey Park is to provide excellent service, foster growth and opportunity, and create a joyous and collaborative environment.

Land Acknowledgment

We would like to acknowledge that the land we inhabit today was once known as Tovangaar, the home of the Gabrieleño-Tongva people. We show our respect to the Gabrieleño-Tongva people, as well as all Indigenous people, past, present, and future, and honor their labor as original caretakers of this land. We commit to uplifting the Gabrieleño-Tongva people, invite you to acknowledge the history, and join us in caring for this land.

General Information

Documents related to an Agenda item are available to the public in the City Clerk's Office located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours and at www.montereypark.ca.gov/agendas.

Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall at (626) 307-1359 for reasonable accommodation at least 8 hours before a meeting. Council Chambers are wheelchair accessible.

Public Participation

You may speak up to 5 minutes on an/each Agenda item. You may combine up to 2 minutes of time with another person's speaking. No person may speak more than a total of 10 minutes. The Mayor and City Council may change the amount of time allowed for speakers. Written Communication will be accepted up to 3 hours before the meeting by completing an online form at www.montereypark.ca.gov/writtencomm.

Pursuant to Government Code Section 54954.3(a), the public may address the City Council only on matters listed on this Agenda. No other public comment will be accepted.

The City Council will recess to Closed Session following public comment and the Open Session items if any. Public participation is not allowed during Closed Session.

1. Call to Order

Mayor

2. Roll Call

Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong, Elizabeth Yang

3. Public Communications

4. New Business

4.A. Consideration and possible action to adopt an urgency ordinance regulating conduct with federal authorities engaged in immigration enforcement actions upon a four-fifths vote

It is recommended that the City Council consider:

1. Adopting an Urgency Ordinance upon 4/5 vote pursuant to Government Code § 65858 adding a new Chapter 9.110 to the Monterey Park Municipal Code regulating city official's conduct with federal authorities engaged in immigration enforcement actions; and
2. Taking such additional, related action that may be desirable.

5. Closed Session

Upon conclusion of Closed Session, the Mayor and/or City Attorney will announce any reportable actions in accordance with the Brown Act.

5.A. Existing litigation: Duke v. City of Monterey Park (filed March 9, 2023) LASC Case No. 23STCV05275.

5.B. Conference with legal counsel, initiation of litigation (Government Code § 54956.9(d)(4)). Number of potential cases: one.

5.C. Conference with legal counsel, anticipated litigation (Government Code § 54956.9(d)(4)) (no disclosure of names needed): one case.

5.D. Conference with Labor Negotiators (Government Code § 54957.6)

City Negotiators: City Attorney, City Manager, Daphne Anneet, and Director Christine Tomikawa

Employee Organization: Confidential Employees' Association, Firefighters' Association, Mid-Management Association, Police Captains' Association, Police Officers' Association, Police Officers' Mid-Management Association, Professional Chief Officers' Association, and Service Employees International Union, Local 721.

6. Adjourn



City Council Staff Report

Date: July 2, 2025

Agenda Item Number: 4.A.

To: The Honorable Mayor and City Council
From: Inez Alvarez, City Manager
Subject: Consideration and possible action to adopt an urgency ordinance regulating conduct with federal authorities engaged in immigration enforcement actions upon a four-fifths vote

Recommendation:

It is recommended that the City Council consider:

1. Adopting an Urgency Ordinance upon 4/5 vote pursuant to Government Code § 65858 adding a new Chapter 9.110 to the Monterey Park Municipal Code regulating city official's conduct with federal authorities engaged in immigration enforcement actions; and
2. Taking such additional, related action that may be desirable.

Executive Summary:

Since being inaugurated in January 2025, the President of the United States has launched nationwide immigration enforcement actions. Essentially, this is the implementation of the Project 2025¹ plan (the "Plan") for the "largest deportation program in American history" and enabling Immigration and Customs Enforcement (ICE) to use expedited removal procedures nationwide². This means immigrants found anywhere in the U.S. could be quickly deported without judicial review. The Plan provides that ICE would be allowed to conduct raids in sensitive locations such as schools, hospitals, and religious institutions, eliminating existing protections and increasing fear in immigrant communities. Additionally, state and local police would be integrated into federal immigration enforcement, and states or cities that do not cooperate could face penalties³. As shown in Attachment 1 to this Staff Report, the Plan anticipates ICE will be integral to enhanced immigration enforcement.

The United States Supreme Court made it clear in 2012 that the federal government has the absolute power to enforce immigration laws (*Arizona v. United States* (2012) 132 S.Ct. 2492). While state and local governments can cooperate with federal enforcement efforts, such action is voluntary. Accordingly, state and local governments can adopt local regulations limiting such cooperation (see, *Sturgeon v. Bratton* (2009) 174 Cal.App.4th 1407 and *United States v.*

California (2019) 921 F.3d 865). The Plan now seeks to alter that legal precedent.

Practically speaking, the Plan would make compliance with federal immigration regulations mandatory and punish local jurisdictions failing to comply by withholding federal monies. While there is precedence allowing Congress to withhold federal funds under certain circumstances (see, e.g., *South Dakota v. Dole* (1987) 483 U.S. 203 regarding the minimum age limit for drinking alcohol) in accordance with its spending powers, the President is not granted such power via the United States Constitution (see, Article II, § 2).

The proposed ordinance, if adopted, would codify the City Council's previous actions in 2017 and 2024: unless required by applicable law, City resources may not be utilized to assist federal agencies engaged immigration enforcement actions. This ordinance is proposed to be adopted as an urgency ordinance; a regular ordinance would be on the City Council's July 16, 2025 regular meeting agenda for consideration.

¹Dans, Paul, and Steven Groves, eds. *Mandate for Leadership: The Conservative Promise*. Washington, DC: The Heritage Foundation, 2023. https://static.heritage.org/project2025/2025_MandateForLeadership_FULLL.pdf ("Project 2025").

²See, e.g., "Illegal immigration should be ended, not mitigated; the border sealed, not reprioritized." *Project 2025*, p.12. Also, see, "Prioritizing border security and immigration enforcement, including detention and deportation, is critical if we are to regain control of the border...." *Id.*, p.135.

³See, e.g., federal funds may be dependent upon "[c]ertification by applicants that they comply with all aspects of federal immigration laws, including the honoring of all immigration detainers.... If the applicant is a ... locality, commitment by that ... [of the] locality to total information-sharing in the context of both federal law enforcement and immigration enforcement. This would include access to department of motor vehicles and voter registration databases." *Id.*, p.137-38

Background:

N/A

Strategic Plan Goal:

N/A

Fiscal Impact:

N/A

Attachments:

1. Attachment 1 - Excerpt from the Plan
2. Attachment 2 - Urgency Ordinance re Immigration

enforcement. To return ICE to its primary mission, any new Administration that wishes to restore the rule of law to our immigration enforcement efforts should:

- **Order ICE to stop closing out pending immigration cases and apply the Immigration and Nationality Act (INA) as written by Congress.**³
The Biden Administration closed out tens of thousands of immigration cases that had already been prepared and were slated for expedited removal processing or hearings before the U.S. Immigration Court. This misguided action constituted an egregious example of lawlessness that allowed thousands of illegal aliens and other immigration violators to go free in the United States.
- **Direct ICE to stop ignoring criminal aliens identified through the 287(g) program.**⁴ Ultimately, Congress should prevent ICE from ignoring criminal aliens identified by local law enforcement agencies that are partners in the 287(g) program. However, before congressional action, ICE should be directed to take custody of all aliens with records for felonies, crimes of violence, DUIs, previous removals, and any other crime that is considered a national security or public safety threat as defined under current laws.
- **Eliminate T and U visas.** Victimization should not be a basis for an immigration benefit. If an alien who was a trafficking or crime victim is actively and significantly cooperating with law enforcement as a witness, the S visa is already available and should be used. Pending elimination of the T and U visas, the Secretary should significantly restrict eligibility for each visa to prevent fraud.
- **Issue clear guidance regarding detention and bond for aliens.**
Thousands of illegal aliens are allowed to bond out of immigration detention only to disappear into the interior of the United States where many commit crimes and many others disappear, never to be heard from again. This occurs primarily because of poorly worded bond regulations, contradictory bond policy memoranda, and poor practices for managing released aliens and the Alternatives to Detention (ATD) Program, which requires significant reform.
- **Prioritize national security in the Student and Exchange Visitor Program (SEVP).** ICE should end its current cozy deference to educational institutions and remove security risks from the program. This requires working with the Department of State to eliminate or significantly reduce the number of visas issued to foreign students from enemy nations.

Mandate for Leadership: The Conservative Promise

Most of the foregoing can be accomplished rapidly and effectively through executive action that is both lawful and appropriate. Additionally, ICE should clarify who is responsible for enforcing its criminal and civil authorities. It should also remove self-imposed limitations on its nationwide jurisdiction.

- **Homeland Security Investigations (HSI) Special Agents in the 1811 series should enforce Title 8 and 18 crimes as the biggest part of their portfolio.** Alien smuggling, trafficking, and cross-border crime as defined under Title 8⁵ and Title 18⁶ should be the focus of ICE operations.
- **The role of ICE Deportation Officers should be clarified.** ICE Enforcement and Removal Operations (ERO) should be identified as being primarily responsible for enforcing civil immigration regulations, including the civil arrest, detention, and removal of immigration violators *anywhere* in the United States, without warrant where appropriate, subject only to the civil warrant requirements of the INA where appropriate.
- **All ICE memoranda identifying “sensitive zones” where ICE personnel are prohibited from operating should be rescinded.** Rely on the good judgment of officers in the field to avoid inappropriate situations.
- **To maximize the efficient use of its resources, ICE should make full use of existing Expedited Removal (ER) authorities.** The agency has limited the use of ER to eligible aliens apprehended within 100 miles of the border. This is not a statutory requirement.

New Policies

U.S. national security and public safety interests would be well-served if ICE were to be combined with CBP and USCIS, as mentioned above. Additionally, ICE/HSI, along with CBP, should be full participants in the Intelligence Community.

The use of Blackies Warrants should be operationalized within ICE. These civil search warrants are commonly used for worksite enforcement when agents have probable cause that illegal aliens are employed at a business. This would streamline investigations.

Safeguarding Americans will require not just securing the border, but continuous vetting and investigations of many aliens who exploited President Biden’s open border for potentially nefarious purposes, including some Afghan evacuees sent directly to the U.S. during America’s disastrous withdrawal from Afghanistan.

Budget

- **Congress should mandate and fund additional bed space for alien detainees.** ICE should be funded for a significant increase in detention space, raising the daily available number of beds to 100,000.
- **Congress should fund ICE for at least 20,000 ERO officers and 5,000 Office of the Principal Legal Advisor (OPLA) attorneys.**

U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

U.S. Citizenship and Immigration Services (USCIS) is the agency tasked with administering the legal immigration and certain temporary visa programs.

Needed Reforms

Since January 2021, USCIS's priorities have been misaligned, and this has transformed it into an open-borders agency, ignoring the critical role that it plays in national security, public safety, and safeguarding the integrity of our immigration system. USCIS should be returned to operating as a screening and vetting agency. Regulatory efforts have focused on easing asylum eligibility in a manner that is guaranteed to exacerbate asylum fraud as people surge at the border. Emphasis also has been placed on removing legal barriers to immigration, such as the use of public benefits. These actions violate statutes, erode congressional intent, and provide a significant magnet for continued illegal immigration.

Additionally, USCIS resources have been misappropriated to focus more on creating and expanding large-scale parole and temporary status programs that violate the law and are otherwise contrary to congressional intent instead of focusing on a more secure and efficient process for those who are seeking benefits. The ever-increasing number of applications filed has made it difficult to vet applications adequately for eligibility, fraud, and specific national security and public safety problems.

The Fraud Detection and National Security Directorate (FDNS) is currently a small directorate with assigned officers reporting through the chain of command in the field, and this has led to stovepiping, lack of coordination in national policy, and inconsistencies throughout the agency. To prioritize vetting and fraud detection, FDNS should undergo a structural shift focused on direct reporting from the field to headquarters, reclassification of leadership, and FDNS directives taking precedence over those of other component entities. Correcting the current misalignment of agency priorities and resources should begin with this primary shift in focus to vetting and fraud detection. These actions would reform the agency, returning it to its screening and vetting mission in protecting the homeland.

Other structural changes should include reimplementing the USCIS denaturalization unit—an effort to maintain integrity in the system by identifying and

ORDINANCE NO. ____

**AN URGENCY ORDINANCE ADDING A NEW CHAPTER 9.110 TO THE
MONTEREY PARK MUNICIPAL CODE ENTITLED “CONDUCT WITH
FEDERAL AGENCIES ENFORCING IMMIGRATION POLICIES”**

The City Council of the City of Monterey Park does ordain as follows:

SECTION 1: Findings. The City Council finds as follows:

- A. The City of Monterey Park prides itself on its 100-year history of diversity and dedication to helping its residents achieve the American Dream. The diverse population of residents with different religious affiliations, races, national or ethnic origins, gender, sexual orientation contribute to the City’s economic and social fabric by establishing and patronizing businesses, contributing to arts and culture, and achieving significant educational accomplishments.
- B. The most recent census data show that the City’s population is predominately of Asian descent but is also comprised of a rich mixture of persons from other backgrounds including, without limitation, persons identified as “Hispanic.”
- C. Recent federal immigration enforcement activity within the Los Angeles region raises significant concerns that federal agents are not adhering to federal law including, without limitation, 10 United States Code § 723 (display of name and federal agency) and 8 Code of Federal Regulations § 287.8 (standards for enforcement activities). Failure to adhere to such requirements violates the protections provided by the United States and California Constitutions to all persons within the City of Monterey Park’s jurisdictional boundaries.
- D. The United States Supreme Court previously made it plain that enforcing the immigration laws within the United States is the exclusive responsibility of the federal government (*see, e.g., Arizona v. United States* (2012) 132 S.Ct. 2492).
- E. Additionally, it is apparent that local jurisdictions such as the City of Monterey Park may refuse to participate in immigration enforcement activities (*see, United States v. California* (2019) 921 F.3d 865).
- F. Each of the City’s duly elected or appointed public servants have sworn to defend and uphold the United States Constitution and the Constitution of the State of California.
- G. Fostering a relationship of trust, respect, and open communication

between City officials and residents is essential to the City's mission of delivering efficient public services in partnership with the community which also helps to ensure public safety, a prosperous economic environment, opportunities for our youth, and a high quality of life.

- H. The City Council believes that limited contact must not be confused with inaction, and that MPPD and City officials should proactively work within legal bounds to document, verify, and safeguard against federal overreach.
- I. Nothing in this Ordinance may be construed or implemented to conflict with any obligation imposed by federal law.

SECTION 2: ***Delegation of Authority.*** The City Manager and City Attorney are directed to:

- A. In accordance with state and federal law, continue to take all lawful actions to ensure that City officials and employees including, without limitation, its law enforcement officers, do not administer federal immigration laws that can only be enforced by the federal government.
- B. In accordance with state and federal law, take all lawful actions to ensure the City officials and employees including, without limitation, its law enforcement officers, not undertake any action against persons solely because of their immigration status.
- C. In accordance with state and federal law, City officials, including its law enforcement officers, will cooperate with Federal immigration agencies only in matters involving criminal activity and the protection of public safety.
- D. Take all lawful actions to ensure that City officials and employees including, without limitation, its law enforcement officers, refrain from acquiring, maintaining, or disseminating sensitive information about City residents except to the extent necessary to provide a City service in question or as required by law pursuant to a valid judicial warrant.
- E. Promulgate administrative policies ensuring that public resources are not spent in enforcing federal programs requiring the registration of individuals on the basis of gender, religious affiliation, national or ethnic origin.
- F. Propose policies and regulations to the City Council that assist immigrant rights advocacy including workshops, materials, etc.; investigate any reported civil rights violations by federal authorities; provide notice to

federal authorities that city facilities may not be utilized for immigration enforcement purposes by federal authorities.

SECTION 3: Regulations. A new Chapter 9.110, entitled “Conduct With Federal Agencies Enforcing Immigration Policies,” is added to the Monterey Park Municipal Code (“MPMC”) to read as follows:

“Chapter 9.110

CONDUCT WITH FEDERAL AGENCIES ENFORCING IMMIGRATION POLICIES

9.110.010: PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Monterey Park Police Department relating to immigration and interacting with federal immigration officials. 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 not in any way that would violate the United States or California constitutions.

9.110.020: DEFINITIONS

Unless otherwise stated or it clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this chapter. Undefined terms are those in applicable California or federal law.

“Criminal immigration violation” means any federal criminal immigration violation that penalizes a person’s presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

“Immigration enforcement” means any effort to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person’s presence in, entry or reentry to, or employment in the United States.

“Judicial warrant” means an arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

9.110.030: IMMIGRATION INQUIRIES PROHIBITED

City officials may not inquire into an individual's immigration status for immigration enforcement purposes.

9.110.040: PROHIBITION ON USE OF CITY RESOURCES

- A. Unless pursuant to a judicial warrant or judicial probable cause determination, or as otherwise required by applicable law, no City resources may be used to assist in any immigration enforcement action. Nothing in this Section prevents a city official from lawfully discharging their duties in compliance with and in response to a lawfully issued judicial warrant or judicial subpoena, or other order evidencing a judicial determination of probable cause.
- B. The prohibition set forth in this Section includes, without limitation, the following:
 - 1. Identifying, investigating, interrogating, detaining, citing, arresting, holding, transferring, or refusing to release individuals in City custody for the purpose of immigration enforcement action;
 - 2. Responding to any administrative warrant or request by federal authorities to detain, transfer, notify, or otherwise facilitate the arrest of any individual in city custody for the purpose of immigration enforcement action;
 - 3. Providing federal authorities access to any non-public areas, including jails or police department property, without a valid search or arrest warrant issued by a federal court of competent jurisdiction;
 - 4. Making individuals in city custody available to Immigration Authorities for interviews for the purpose of immigration enforcement action;
 - 5. Participating in any operation or joint operation or patrol that involves, in whole or in part, an immigration enforcement action;
 - 6. Providing access to any nondisclosable public record in the possession of the city in connection with an immigration enforcement action, except as required by state or federal law.

9.110.050: DETENTIONS AND ARRESTS

Except as otherwise provided by applicable law, police officers employed by the city may not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

9.110.060: FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from the city must be referred to the police chief, or designee.

9.110.070: IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under federal law.

9.110.080: INTERVIEWS BY FEDERAL AGENTS

Before any interview regarding civil immigration violations takes place between federal agents and an individual in custody, the police chief, or designee, must provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified by applicable law.

9.110.090: NOTICE TO INDIVIDUALS

Individuals in city custody must be given a copy of documentation received from federal authorities regarding a hold, notification, or transfer request along with information as to whether the city intends to comply with the request. Should the police chief, or designee, provide federal authorities with notification that an individual is being, or will be, released on a certain date, the same notification must be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate.

9.110.100: TRANSFERS TO IMMIGRATION AUTHORITIES

The police chief, or designee, may not transfer individuals to federal authorities for immigration violations unless one of the following circumstances exist:

- A. Transfer is authorized by a judicial warrant or judicial probable cause determination.

- B. The individual has been convicted of criminal offense as identified by applicable law.
- C. The individual is a current registrant on the California Sex and Arson Registry.
- D. The individual is identified by a federal agency as the subject of an outstanding federal felony arrest warrant.”

SECTION 3: Invalidity. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 5: Electronic Signatures. This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 6: Recordation. The Mayor, or presiding officer, is authorized to sign this Ordinance signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 7: Effective Date. Based on the findings in Section 1, this urgency ordinance is adopted by a four-fifths vote for the immediate preservation of the public peace, health, safety and welfare and becomes effective immediately pursuant to Government Code § 36937(b).

PASSED AND ADOPTED this ____ day of _____, 2025.

Vinh Ngo, Mayor

ATTEST:

Maychelle Yee, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney