

ORDINANCE NO. 064, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES FOR A
MUNICIPAL IMMIGRATION LEGAL DEFENSE FUND PILOT PROGRAM

WHEREAS, immigration policy and enforcement are controlled by the federal government, the Fort Collins City Council noted in the 2020 Legislative Policy Agenda that “issues pertaining to civil rights at the United States’ borders and immigration law more broadly have wide impacts that can directly impact the day-to-day life of Fort Collins residents”; and

WHEREAS, City Council Resolution 2019-100 detailed concerns that fear resulting from federal immigration law and enforcement policies could discourage Fort Collins immigrant residents from engaging with safety personnel, Police Services, and other City departments to access services and resources; and

WHEREAS, Fort Collins has an immigrant community of more than 11,000 people, or 6.8% of the total population, and that 15% of children in Fort Collins live with at least one immigrant parent and 75% of these children are themselves US citizens; and

WHEREAS, approximately 4,500 Fort Collins residents are currently not United States citizens; 2,200 residents are eligible for naturalization and the remaining 2,300 non-citizen immigrants are estimated to be undocumented and at risk for detention and deportation; and

WHEREAS, in December 2020, there were 418 Larimer County residents with pending immigration deportation proceedings, 83 of whom lacked legal representation; and

WHEREAS, 2,963 Northern Larimer County residents are eligible for immigration relief and need low-cost or pro bono legal services to pursue lawful paths to citizenship; and

WHEREAS, any non-citizen, including lawful permanent residents, refugees, and people who entered legally on visas, can be placed in deportation proceedings; and

WHEREAS, without legal representation, many people in deportation proceedings have valid legal grounds to remain in the United States under federal immigration laws, but cannot effectively navigate the complex immigration legal system or gather necessary evidence; and

WHEREAS, Fort Collins lacks available pro bono or low-cost legal advice and assistance for cases related to extension of visas, Deferred Action for Childhood Arrivals (“DACA”) renewal, citizenship, or legal permanent resident applications as there is one immigration attorney practicing in Fort Collins and although community partners are providing assistance for immigrants, no organizations currently provide pro bono or low-cost immigration legal defense and advice for Fort Collins residents; and

WHEREAS, a pilot program for a Municipal Immigration Legal Fund in Fort Collins would establish a grant program to provide funds to community partners, nonprofit organizations, or legal service providers to offer residents wrap-around, holistic immigration legal services to

meet the most urgent needs, reach the greatest number of impacted community members, and build trust in the immigrant community through ongoing self-advocacy and program support through January 2023; and

WHEREAS, the City would initiate a request for proposal process and select service providers through competitive review; and

WHEREAS, the delivery model for legal services will be outlined in applicants' proposals and determined by the review team through the selection process; and

WHEREAS, proposals will be requested for a pilot program to provide direct legal representation for the lifecycle of immigration cases with client intake with the equity-based universal representation model; support for legal pathways to citizenship or lawful presence; legal advice and consultations through legal clinics and Know Your Rights trainings; education and outreach that includes leadership and empowerment training to improve self-advocacy; and, program coordination based within a local nongovernmental organization (the "Pilot Program"); and

WHEREAS, proof of residency in Fort Collins for a duration of no less than one full year and beginning no later than June 2020 for any person older than 21 years of age will be a requirement of participating in the Pilot Program; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to appropriate by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in that fund during any fiscal year; and

WHEREAS, this appropriation for the Pilot Program benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of providing pro-bono legal services and immigration education for Fort Collins' residents in the immigration legal system who are seeking to establish legal status under U.S. immigration laws, thereby encouraging the City Strategic Goals related to: 1) advancing equity; 2) improving community engagement; and 3) supporting the humane treatment of persons who are detained by Immigration Officials and the rapid resolution of legal proceedings and support pathways to legal immigration.

WHEREAS, this appropriation economically benefits the City of Fort Collins because deportations and immigration detention are costly to the community, its taxpayers and employers and providing representation of Fort Collins residents in immigration court has been reported as a way to reduce the related costs to the community; and

WHEREAS, undocumented community members generate revenue for the City by paying: 1) state and local taxes; 2) sales and excise taxes; 3) property taxes directly on their homes (and indirectly as renters); and 4) at least half of undocumented immigrants work at jobs where state and federal income taxes are regularly withheld from their paychecks; and

WHEREAS, this appropriation also benefits Fort Collins residents and American citizens who have parents, spouses, children, sibling and other immediate family who seek legal paths to citizenship and are at risk for removal; thus, the Immigration Pilot Program protects local families from being separated and displaced.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby authorizes the City Manager, or their designee, to initiate and facilitate the Pilot Program in a manner consistent with this Ordinance.

Section 3. That there is hereby appropriated from prior year reserves in the General Fund the sum of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) for expenditure from the General Fund for the establishment of the Pilot Program.

Section 4. That the Council hereby directs the City Manager to gather data describing the level of service and outcomes from the Pilot Program and to provide a report and update to the City Council no less frequently than each calendar quarter including:

- 1) number of clients served;
- 2) case outcomes;
- 3) type of case;
- 4) client family data, including number of children;
- 5) client country of origin;
- 6) client ethnicity;
- 7) client zip code;
- 8) client's duration in Fort Collins, Colorado and the United States;
- 9) whether bond or release was granted to client;
- 10) cost of bond for client;
- 11) income range of client; and
- 12) number of days client spent in detention.

Introduced, considered favorably on first reading, and ordered published this 15th day of June, A.D. 2021, and to be presented for final passage on the 6th day of July, A.D. 2021.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this 6th day of July, A.D. 2021.

Mayor

ATTEST:

City Clerk