



RESOLUTION NO. 39849

1 BY REQUEST OF COUNCIL MEMBERS BLOCKER, IBSEN, AND WALKER LEE

2 A RESOLUTION authorizing the use of up to \$50,000 of City Council Contingency
3 Funds for the creation of a Deportation Defense Subfund for the purpose of
4 assisting indigent Tacoma residents facing deportation at deportation
5 hearings with legal counsel; directing the City Manager to conduct a request
6 for proposals from entities when the Subfund has reached \$100,000, or
7 three months have passed; and directing the City Manager to negotiate and
8 execute a professional services agreement outlining the scope of work and
9 deliverables.

10 WHEREAS, unlike criminal defendants in the United States, immigrants
11 facing potential deportation are not constitutionally guaranteed counsel if they are
12 not able to afford a private attorney, and

13 WHEREAS, in response to federal immigration practices, several cities,
14 such as New York, Los Angeles, San Francisco, Chicago, Baltimore, and Seattle,
15 have established defense funds for the purpose of providing legal counsel to
16 indigent residents facing deportation at deportation hearings, and

17 WHEREAS a 2015 study published by the University of Pennsylvania Law
18 Review reported that detained immigrants with legal counsel were ten times more
19 likely to be granted legal residency than those without; and for immigrants who
20 were not detained, those with a lawyer were five times more likely to avoid
21 deportation than those without, and

22 WHEREAS, according to the City of Seattle's defense fund statistics,
23 approximately 92 percent of individuals in Tacoma's immigration court are not
24 represented, and

25
26



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

WHEREAS the Northwest Immigrant Rights Project estimates that in any given year, approximately 50-100 Tacoma residents are detained, and

WHEREAS, although the use of up to \$50,000 of Council Contingency Funds is not enough to fully fund these services, the creation of a seed Subfund will allow others in the community to donate funds, increasing the number of indigent residents who can utilize these services, and

WHEREAS a resident will be defined as an individual who can establish residency in Tacoma prior to being detained, and

WHEREAS the City Manager is directed to conduct a request for proposals from entities when the Subfund has reached \$100,000, or three months have passed; and further, to negotiate and execute an agreement for services, outlining the scope of work and deliverables, and

WHEREAS RCW 35.33.145 and 35.34.250 authorize a withdrawal from the City Council Contingency Fund for any municipal expense, the necessity or extent of which could not have been foreseen or reasonably evaluated at the time of adopting the budget, and

WHEREAS the extent of the need for legal services to those being detained and facing deportation could not have been foreseen or reasonably evaluated at the time the City adopted its biennial budget, and

WHEREAS Ordinance No. 22569 requires an affirmative vote of not less than six members of the Council in order to withdraw moneys from this Council Contingency Fund; Now, Therefore,



BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Section 1. That one-time funding, in an amount of up to \$50,000, budgeted from the City Council Contingency Fund, for the purpose of creating a Deportation Defense Subfund to assist with legal counsel to indigent Tacoma residents facing deportation at deportation hearings, is hereby approved.

Section 2. That the City Manager is hereby directed to work with staff to conduct a request for proposals from entities when the Subfund has reached \$100,000, or three months have passed.

Section 3. That the City Manager is hereby directed to work with staff to negotiate and execute a professional services agreement, outlining the scope of work and deliverables.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney