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CITY OF SAINT PAUL CITY COUNCIL

Review of ORD 04-316

Public analysis and discussion

Presented by Tim Greenfield, Chief Policy Officer



Overview

1. History – Then and Now
2. Legal Authority and Process for Ordinance
3. Community Feedback and Approaches
4. Next Steps



Overview - Legislative Drafting Process

- First Policy Committee of 2026 –
- Council's existing process for initiating legislation
 - Role of the CPO to conduct initial research and help facilitate a Policy Committee hearing
 - Hearing is meant to give input from all sources to the requesting Councilmember(s)
 - May conduct more than one hearing in Policy Committee before first reading



Overview of ORD 04 – 316 (Ch. 44 of Admin Code)

- Known as the City's "Separation Ordinance"
- Enacted in 2004 – contained in Ch. 44 of the City's Administrative Code
 - Defines the relationship "with federal immigration enforcement" and "seeks to clarify the enforcement relationship" across general city service employees and public safety officials
 - Contains complaint and disciplinary requirements (with an annual report to Council)
 - Enacted 2 years after the creation of the Department of Homeland Security



Overview of ORD 04 – 316 (Ch. 44 of Admin Code)

- The “Now”
 - Reactive opportunity
 - Important framework discussions needed prior to consensus and effective outcomes – work is ongoing
 - Also allows us to confront limitations – whatever the source
- Community meetings + continual CM work + new Mayor
- Council’s Legislative Authority – in both legislative code and administrative code



Legal Authority for the Ordinance – Administrative Code

Ord. 25-78 establishes a new chapter to the City's Administrative Code

What is the Administrative Code?

- A compilation of ordinances that establish departments and how city departments operate.
- Administrative actions are established by ordinance.
- Includes procedures, reporting requirements, and organizational structure requirements
- Separate from the City's Legislative Code of ordinances, which govern public behavior and external standards/rules of behavior.
- Authority is reserved and maintained for the Council under the City Charter (Sec. 6.12)



Separation Ordinance Changes – Potential Topics

- **High level**
 - No official ordinance before the committee – part of the Council’s Legislative Drafting Process and RES 25-1980 – but also highly exigent
 - Important contextual factors and influences on decision-makers
 - Policy Committee meant to be a deliberative space
- **4 community-led public hearings**
- **CPO – 3 to 4 areas:**
 - Clarifying City relationship with federal immigration enforcement
 - Modifying or prohibiting certain law enforcement conduct
 - Establishing additional reporting and training requirements
 - Additional policy or programming outcomes – member-led.



Policy Generation – Clarifying the Relationship

- **Input: Ch. 44 – already current law**
 - Clarification could:
 - Respond to current situation – “stress test”
 - Address confusion or ambiguity in implementation – “harden defenses”
 - Reflect Council, Mayoral, or Department policy preferences or define relationships
 - “We see it this way”
 - Look to Policy Statement
 - What are you hearing from community members?



Policy Generation – Clarifying the Relationship

- **Policy Examples of “Clarification”**
 - **Specific:** Immigration-adjacent administrative issues already identified in Ch. 44 – so what other areas are raised?
 - Access to city resources and property
 - **General:** Defining the enforcement relationship – when, how, and should SPPD and other public safety officials intervene in current context?
 - **Open-ended:** Defining the employee’s relationship and interaction with federal immigration authority



Policy Generation – Modifying or Prohibiting Certain Conduct

- **Input: Ch. 44 – already prohibits certain activities**
 - Modification or prohibition could:
 - Respond to known activities by federal immigration officials but constitutional and legal dimensions – to whom does this apply?
 - What other levers exist for the Council?
 - Committee process
 - Budgetary authority
 - Legislative ordinance vs. administrative ordinance
 - Call to action / intergovernmental coordination
 - Identify existing ordinance violations



Policy Generation – Modifying or Prohibiting Certain Conduct

- **Policy Examples of “Modifying or Prohibiting”**
 - **Specific:** Numerous examples brought forward – masking, city property and resources, public safety assistance except in certain circumstances
 - **General:** Getting to agreed-upon prohibited conduct is first ? – the second is how does enforcement occur? What do we expect from that outcome?
 - **Open-ended:** What is the extent of the Council – and by extension – the City’s authority here? Is prohibiting certain LE conduct the same as a strengthened SO?



Policy Generation – Reporting and Training

- **Input: Information gathering and legislative oversight authority**
 - Reporting could:
 - Strengthen Council awareness in real-time.
 - Identify tactical or operational patterns across both actors.
 - Modify decision-making processes about resource deployment.
 - Identify cumulative financial impact on City resources → budgetary authority
 - Additional training could:
 - Reflect the lived reality of citizen experience
 - Reaffirm commitment to employee safety
 - Reaffirm City commitment to separation ordinance –
 - Prepare and build City resilience for future activity
 - Prepare and strengthen individual employee capacity



Policy Generation – Reporting and Training

- **Policy Examples of “Reporting and Training”**
 - **Current training req:** “Supervisors of general city service employees shall include information regarding the city’s policy and expectations as set forth in this chapter and as part of their employees’ on-going in-service training.” 44.02(c).
 - **New training requirements?**
 - **New reporting requirements?**
 - **Incident specific?**
 - **Ongoing?**
 - **What information is useful vs. information overload – how reactive can Council be?**
- What are Councilmembers hearing from City employees?



Policy Generation – Member Reaction

Final CPO thoughts

- Multiple points of input needed?
- Decision-points are multiple -- more information is likely needed vs. the exigency of the situation.
- Sharpening the point vs. Unachievable ambitions
- Ultimate threshold –
 - What is and what can be the City's policy response to federal immigration activity? What – beyond the obvious – is at stake
 - If a call to action is required, where can Council be best?
 - Responsiveness is one of many virtues – I would re-emphasize resilience and resources



Policy Generation – Member Reaction

Final CPO thoughts on “Next Steps”

- Per our LDP – in the hands of the CM to decide how to move forward
- Receive and deliberate on CAO and Admin (both Mayor + Department) feedback
- Receive and deliberate on stakeholder feedback
- CPO and CAO work on ordinance draft language
- Standing PC update? Set an update for 1/28?