



CITY OF LONG BEACH R-20

OFFICE OF THE CITY MANAGER

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-6711 FAX (562) 570-7650

December 4, 2018

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Authorize the City Manager, or designee, to execute all documents necessary to enter into a SAFE Cities Network Agreement with the Vera Institute of Justice, a nonprofit corporation, to establish a legal defense fund and program (Long Beach Justice Fund) for providing legal representation to low-income immigrants facing deportation in the City of Long Beach, in the amount not to exceed \$250,000, for a two-year period. (Citywide)

DISCUSSION

On March 13, 2018, the City Council adopted the Long Beach Values Act of 2018 and requested that staff investigate the establishment of a legal defense fund in the amount of \$250,000, including universal representation, and to report back with options. The City Council also requested that staff consider outside organizations, such as the Vera Institute of Justice. The results of an analysis of options for creating a legal defense fund was presented to the City Council in a July 20, 2018 memorandum (Attachment A). Staff found the Vera Institute of Justice (Vera) to be uniquely qualified and the most efficient option for achieving City Council direction. Additionally, staff reported that \$100,000 in savings in the FY 18 Budget would be set aside for this purpose, and the remaining \$150,000 could be identified through City Council deliberation of the FY 19 Budget.

On September 4, 2018, the City Council adopted the FY 19 Budget and approved \$250,000 for the establishment of the Long Beach Justice Fund (Fund). Additionally, the City Council requested that when the Vera contract came for their consideration, that staff be prepared to discuss alternatives to Vera including, but not limited to, services provided by the Long Beach Bar Association. The July 20, 2018 memorandum outlines an alternative to Vera that could maintain consistency with the City Council's initial direction on March 13, 2018. As reflected in the memorandum, this alternative would require additional staffing in the Office of Equity to manage the program and contract directly with a legal service provider(s). It would also require an agreement with a fiscal intermediary to manage the Fund. Staff has reached out to the Long Beach Bar Association to obtain information on the legal services it could provide to low-income immigrants as part of the Fund. Following is a summary of the proposed SAFE Cities Network Agreement with Vera, and information on legal services that would be offered by the Long Beach Bar Association.

SAFE Cities Network Agreement

As part of the SAFE Cities Network Agreement, Vera will provide in-kind services to initiate and manage implementation of the Fund. Vera will serve as the fiscal intermediary of the Fund for two years and accept private donations to supplement the City's commitment of "seed" funding; lead the request for proposals (RFP) process to select and contract with the legal service provider(s); oversee and report on the performance of, and disburse funding to, legal service provider(s) for project-related work; and, dedicate the City's funding commitment and any donations received exclusively to project work in Long Beach. Staff and Vera will attempt to identify and engage qualified local, legal service providers in the RFP process. In addition to Fund and program management services, Vera will provide in-kind support services to ensure effectiveness and foster sustainability of the Fund. These support services will include technical assistance to legal service provider(s); strategic communications assistance to promote the Fund; and, providing City officials with a forum to share best practices and information with officials from other jurisdictions in the Network.

Staff from the City Manager's Office and the Office of Equity will oversee implementation of the SAFE Cities Network Agreement. This commitment will include assisting with the RFP process to select a legal service provider(s); supporting Vera with data collection and public communication efforts; participating in Vera-organized conference calls and meetings; applying for a \$100,000 catalyst matching-grant from Vera; and, providing general program oversight. Additionally, during the two-year agreement with Vera, staff will work with community partners to identify a local, nonprofit organization to serve as the fiscal intermediary beyond the initial two-year term. Upon termination of the initial SAFE Cities Agreement, Vera will transfer any remaining public and private dollars to the designated fiscal intermediary to continue administering the Fund. However, Vera will continue providing in-kind program management and support services, if the need exists.

The proposed services of the Fund will include a combination of removal defense for individuals in detention (40 percent); removal defense for non-detained individuals (40 percent); and, affirmative representation (20 percent) including, but not limited to, services such as legal support for Asylum-seekers and Deferred Action for Childhood Arrivals (DACA) applicants and recipients, naturalization, T- and U-Visas for victims of crime, and lawful permanent residency under the Violence Against Women Act (VAWA). To be eligible for legal representation services, a person must reside in Long Beach and have a household income below 200 percent of the federal poverty guidelines.

Long Beach Bar Association

As requested, staff gathered information from the Long Beach Bar Association on its interest in offering legal services as part of the Long Beach Justice Fund. The Long Beach Bar Association has expressed an intent to engage attorneys within its network of 400 with expertise in immigration law to provide legal services to immigrant-residents. Correspondence from the Long Beach Bar Association reflecting its interest is provided as Attachment B.

This matter was reviewed by Deputy City Attorney Linda T. Vu on November 6, 2018 and by Budget Manager Grace Yoon on November 7, 2018.

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TIMING CONSIDERATIONS

City Council action is requested on December 4, 2018, to commence implementation of the Fund by early winter of 2019.

FISCAL IMPACT

The total cost for the proposed SAFE Cities Agreement with Vera will be a one-time expense of \$250,000 for a two-year period, to initiate the Fund. Of that amount, \$100,000 is from General Fund expected FY 18 year-end departmental savings and the balance of \$150,000 was specifically appropriated in FY 19 from expected FY 18 year-end surplus. FY 18 has not closed, but there are currently no indications of problems with this funding. Staff will apply for a \$100,000 catalyst-grant from Vera in January 2019 as a matching source, to help build the fund. The Office of Equity will support the establishment of the Fund at an estimated three to five hours per week, until legal services are initiated. The staffing impact thereafter would be minimal and primarily limited to reviewing and reporting evaluation outcomes to stakeholders and working with community partners to promote the Fund. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



PATRICK H. WEST
CITY MANAGER

Attachments: Attachment A - July 20, 2018 Legal Defense Fund Council Memorandum
Attachment B - Long Beach Bar Association Correspondence



City of Long Beach
Working Together to Serve

Memorandum

Date: July 20, 2018
To: Mayor and Members of the City Council
From: Patrick H. West, City Manager *T.H.W.*
Subject: Update on Long Beach Values Act 2018 – Legal Defense Fund

On March 13, 2018, the City Council adopted the Long Beach Values Act of 2018. The City Council also requested that staff investigate the establishment of a legal defense fund in the amount of \$250,000, including universal representation, and to report back with options. Staff has completed an analysis of options for creating a legal defense fund. This memorandum provides a summary of the analysis and identifies a recommended option.

Analysis of Options

Staff utilized the conceptual model presented to the City Council on March 13, as a basis for identifying and analyzing options for a legal defense fund. At that time, staff recommended partnering with a local foundation or community-based organization that could independently manage a charitable fund, and, through a qualified contractor, administer a community-based legal defense program for immigrant-residents facing deportation. This approach would facilitate a one-time grant of "seed" funding and help establish and promote the fund and program. In assessing potential partnership opportunities, viable options available for consideration included either a partnership with the Vera Institute of Justice, through its Safety and Fairness for Everyone (SAFE) Cities Network Project, or the Long Beach Community Foundation. Following is an analysis of each option.

Vera Institute of Justice

Based in New York, with an office in Los Angeles, the Vera Institute of Justice (Vera) is a national nonprofit research and policy organization whose mission is to improve justice systems by ensuring fairness, promoting safety, and strengthening communities. Vera's Center for Immigration and Justice administers the SAFE Cities Network Project. It was initiated in April 2017 to expand on the pioneering success of the New York Immigrant Family Unity Project, the nation's first public defender system for immigrants facing deportation, for which Vera was a co-founder and project evaluator. The SAFE Cities Network consists of 12 cities and counties from eight states that are committed to keeping communities safe and strong by protecting due process and providing legal representation to immigrants at risk of removal. California is represented in the Network by the Cities of Santa Ana, Sacramento, and Oakland, and by Alameda County. Vera is also a partner and grant recipient of the Los Angeles Justice Fund and is working with the San Francisco Public Defender and other Bay Area legal service providers.

Vera receives grants from, and contracts with, each jurisdiction to establish a locally-based, legal defense fund and program. As part of these agreements, Vera sub-contracts with legal services providers in accordance with mutually-accepted terms with each jurisdiction. Vera also contributes matching catalysts/grants to initiate local funds based on funding availability. Above all, Vera assumes full responsibility for management, implementation, and evaluation of the legal defense fund and program, and does not charge any fees for these services. To become a member of the SAFE Cities Network, Vera requires each jurisdiction to:

- Dedicate public funding to removal defense, preferably for detained immigrants;
- Aspire to a "universal representation" model, which serves all immigrants in removal proceedings;
- Assign a government official or staff member to be a liaison to the Network; and,
- Support Vera's collection of data on legal representation services for program evaluation.

Long Beach Community Foundation

Partnering with the Long Beach Community Foundation (LBCF) could be an alternative to working with Vera. However, while the LBCF could manage a charitable, legal defense fund, the organization does not have the capacity to administer a community-based legal defense program. A partnership with the LBCF would, therefore, require the City to serve as the program administrator. To fulfill this role, an additional .5 FTE, at a cost of \$64,000, would be needed. The LBCF also charges a fee to manage charitable funds. Paying a management fee would reduce the amount of funding available for services.

Recommended Option

Partnering with Vera, through its SAFE Cities Network, offers the most efficient option for establishing a legal defense fund consistent with City Council's direction, and it is staff's recommended approach. In consulting with Vera, staff confirmed the possibility of Long Beach participating in the SAFE Cities Network and Vera's willingness to be the fiscal sponsor and manager of the legal defense fund. Eligibility criteria for the fund would include the following:

- Residency or employment in Long Beach;
- Household income below 200 percent of the federal poverty level;
- Detained individuals in removal proceedings and others at risk of removal;
- Asylum-seekers and Deferred Action for Childhood Arrivals (DACA) legal support; and,
- Other related removal defense support.

To formalize the partnership, the City must first submit a letter of intent to Vera that justifies the need for the legal defense fund; describes the City's investment in the fund, including specific amounts, timing, and certainty of funding; details the types of legal defense that the jurisdiction intends to fund; and outlines the support and technical assistance that the City desires from Vera. Additionally, City Council authorization of a contract with, and a grant award to, Vera

would be required. After formalizing the partnership, Vera would work with the City and community stakeholders to determine criteria for selecting a legal services provider or providers. With input from the City, Vera would coordinate a competitive selection process and negotiate a sub-contract with a preferred legal services provider or providers.

The Office of Equity Manager would support the establishment of the legal defense fund at an estimated 3 to 5 hours per week, until legal services are initiated. The staffing impact thereafter would be minimal and primarily limited to reviewing and reporting evaluation outcomes to stakeholders and working with the partners to promote the fund. The fiscal impact of this option would be limited to a one-time grant award to initiate the fund.

Funding

Staff have identified \$100,000 in savings in the FY 18 Budget that will be set aside for this purpose and can be used as matching funds. The remaining \$150,000 could be identified through Council deliberation of the FY 19 budget. Staff anticipate applying for a \$100,000 catalyst-grant from Vera using the \$100,000 in FY 18 savings as a matching source, to help build the fund.

Next Steps

Staff will submit a letter of intent to Vera in July 2018 and begin working on contract terms in August 2018. After finalizing the proposed contract terms, staff will seek City Council approval of a contract with Vera in early fall of 2018.

Please contact Deputy City Manager Kevin Jackson at (562) 570-5028 with any questions.

- CC: CHARLES PARKIN, CITY ATTORNEY
- LAURA DOUD, CITY AUDITOR
- TOM MODICA, ASSISTANT CITY MANAGER
- KEVIN JACKSON, DEPUTY CITY MANAGER
- ROBERT LUNA, CHIEF OF POLICE
- KELLY COLOPY, DIRECTOR OF HEALTH AND HUMAN SERVICES
- JOHN GROSS, DIRECTOR OF FINANCIAL MANAGEMENT
- REBECCA GARNER, ASSISTANT TO THE CITY MANAGER
- ANDREW VIALPANDO, ASSISTANT TO THE CITY MANAGER
- MONIQUE DE LA GARZA, CITY CLERK (REF. FILE #18-0032)

November 8, 2018



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TARREN A. TORRES
Barristers President Elect

Kevin Jackson
 Office of City Manager
 333 West Ocean Boulevard, 13th Floor
 Long Beach, CA 90802

Dear Mr. Jackson:

We the Long Beach Bar Association would like the opportunity to provide legal services for the recently proposed Long Beach Justice Fund.

We have 400 member lawyers to cull from, and would like the opportunity to work together to design a program around best practices. Our attorneys come from all backgrounds, including specializing in immigration. I understand that the Long Beach Justice Fund will focus on assisting people who are detained by ICE or at risk of being detained by ICE. In particular, the fund will focus on removal defense for detained and non-detained individuals and also provide immigrant-residents with affirmative legal services relating to maintaining or achieving legal residency and/or citizenship status.

Very truly yours,

Paul Carter
 President
 Long Beach Bar Association