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# City of Detroit

## CITY COUNCIL

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TO: COUNCIL MEMBERS   
FROM: David Whitaker, Director  
Legislative Policy Division Staff  
DATE: June 25, 2019  
RE: Sanctuary City

In today's formal session, Council member Ayers requested that the Legislative Policy Division confirm if the Detroit City Council passed a resolution which designated the city of Detroit as a "Sanctuary City." Upon our research, we found several resolutions which referenced Detroit as a "Welcoming City."

Regarding the definition of the two defining terms, Sanctuary and Welcoming Cities, the news publication the Orange County Daily<sup>1</sup> defines the distinction between Welcoming and Sanctuary cities as one of semantics, stating: "...the difference between Welcoming and Sanctuary city status is more semantic than substantive. The former doesn't carry the polarizing branding of the latter, but the outcomes are substantially the same."<sup>2</sup> The Washington DC. ACLU, concurs with this position, indicating online, "The terms "Welcoming Cities" and "Sanctuary Cities" are often used interchangeably, and there is no exact legal meaning or definition for either. Generally, they are both understood to be cities that do not ask people about immigration status, particularly in law enforcement activities or in providing services, and decline to engage efforts in to enforce immigration law, which is the federal government's responsibility."<sup>3</sup> Therefore, there is no real distinction between Sanctuary or Welcoming Cities.

<sup>1</sup> The Welcoming America website used to have a page explaining the difference between Welcoming and Sanctuary city status. It's no longer publicly accessible but there is a cached version available from November 22, 2016. Judging by Welcoming Cities own description, the difference between Welcoming and Sanctuary city status is more semantic than substantive. The former doesn't carry the polarizing branding of the latter, but the outcomes are substantially the same.

<sup>2</sup> Anaheim: "Welcoming" Or Sanctuary City? A Distinction Without A Difference  
<http://www.ocdaily.net/pg/anaheim-welcoming-or-sanctuary-city-a-distinction-without-a-difference/>

<sup>3</sup> ACLU Washington Freedom Cities FAQ <https://www.aclu-wa.org/pages/freedom-cities-faq>

However, on several occasions, the Detroit City Council has reaffirmed its commitment as a “Welcoming City,” by stating its opposition to State legislation which would undermine the City’s relationship with local law enforcement, which fostered a welcoming environment for immigrants. In addition, Council reaffirmed its commitment to the City’s 2007 Ordinance, which banned any bias based policing and the solicitation of immigration status.

Please contact us if we can be of any further assistance.

**Attachments**

Resolution Affirming Detroit as a Welcoming City, July 28, 2014

A Resolution in Support of Sanctuary Cities, JCC July 28, 2015

Amendment of Proposed Ordinance –Biased Based Policies and Solicitation of Immigrations Status, JCC April 2007

**Resolution from Council Member Castañeda-López and Council Member  
André Spivey Affirming Detroit as a Welcoming City**

**WHEREAS**, the City of Detroit believes in the innate dignity of all its residents and recognizes the importance of their valuable contributions to the social, religious, cultural, and economic life within the city. The City of Detroit acknowledges, honors, and values our immigrant and migrant roots, and embraces the values of family, faith, and hard work; and

**WHEREAS**, the City of Detroit has long been home to immigrants from around the world, who come seeking opportunity, stability, prosperity, and a better life for their families. The City of Detroit is home to many immigrants who come from regions such as the Caribbean, the Middle East, South and Central America, Africa, Europe, and Asia. The City's diverse communities consist of first and second generation immigrants as well as African-Americans who have historically migrated from the southern United States; and

**WHEREAS**, the Welcoming Detroit initiative aims to build cooperation, respect, and compassion among all in our city, including immigrants and non-immigrants alike; endeavors to create an atmosphere in which immigrants and refugees have increased opportunities to integrate into the social fabric of their adopted hometowns; and seeks to embrace diversity while supporting and retaining unique cultural identities; and

**WHEREAS**, the City of Detroit has long been recognized as a hospitable and welcoming place, where people, families, and institutions thrive and the contributions of all are celebrated and valued. Residents of the City of Detroit have long accepted newcomers as their equals, and have treated them with decency and respect, creating a vibrant community for all to live in; and

**WHEREAS**, the City of Detroit is committed to building a diverse, inclusive, and global city and will continue to provide a neighborly and welcoming atmosphere, where all are respected and accepted. **NOW THEREFORE BE IT**

**RESOLVED**, by the Detroit City Council, on July 28, 2014 that the City of Detroit is affirmed as a place where all foreign-born and native-born Americans can live, work, and play together, share in each other's customs and ideals, and appreciate and promote cultural diversity.



Provided, That petitioner has an inspection of electrical work prior to opening the facility to the public, and further

Provided, That the required permits be secured should any tents or temporary installations such as Liquefied Petroleum Gas Systems be used, and further

Provided, That if tents are to be used, the petitioner shall comply with all sections of Fire Marshal Division Memorandum #3.2 regarding "Use of Tents for Public Assembly," and further

Provided, That said activity is conducted under the rules and regulations of the concerned departments, and the supervision of the Police Department, and further

Provided, That such permission is granted with the distinct understanding that petitioners assume full responsibility for any and all claims, damages or expenses that may arise by reason of the granting of said petition, and further

Provided, That site be returned to its original condition at the termination of its use, and further

Provided, That this resolution is revocable at the will, whim or caprice of the City Council.

Adopted as follows:

Yeas — Council Members Ayers, Benson, Cushingberry, Jr., Leland, Castaneda-Lopez, Sheffield, Spivey, Tate, and President Jones — 9.

Nays — None.

\*WAIVER OF RECONSIDERATION (No. 25), per motions before adjournment.

#### **A Resolution**

##### **In Support of Sanctuary Cities**

By Council Member Castaneda-Lopez:

Whereas, A Welcoming City is an inclusive environment that provides opportunities for all to participate socially, civically and economically in order to contribute to the vibrancy of the city; and

Whereas, In 2007, the City of Detroit passed an anti-profiling ordinance that prohibits the police department from requesting a person's immigration status or requesting the immigration status of a crime victim or witness; and

Whereas, This ordinance ensures that immigrants feel safe reporting crimes, testifying as witnesses, and interacting with local law enforcement, thus building trust and providing access to police protection in order to enhance public safety; and

Whereas, Creating a safe and welcoming environment is integral to improving the lives of all new, existent, and future immigrant communities in Detroit; and

Whereas, Local ordinances such as this are a step toward comprehensive immigration reform at the national level;

Now, Therefore Be It

Resolved, That the City of Detroit, as a Welcoming City, opposes any legislation that seeks to undermine the relationship between the community and local law

enforcement and remains committed to creating a welcoming environment for all;

Now, Therefore Be It Further

Resolved, That the City of Detroit reaffirms its commitment to the 2007 legislation against bias-based policing and solicitation of immigration status.

Adopted as follows:

Yeas — Council Members Ayers, Benson, Cushingberry, Jr., Leland, Castaneda-Lopez, Sheffield, Spivey, Tate, and President Jones — 9.

Nays — None.

Council Member Tate left his seat.

#### **RESOLUTION**

By Council Member Spivey:

Whereas, Royal Kabob has generously offered to provide lunch to the Detroit City Council, the City Clerk, the Legislative Policy Division, and other essential staff on Tuesday, July 28, 2015, in anticipation of a full day meeting as Council completes its legislative calendar;

Now, Therefore Be It

Resolved, That the Detroit City Council hereby accepts the gracious donation from Royal Kabob.

Adopted as follows:

Yeas — Council Members Ayers, Benson, Cushingberry, Jr., Leland, Castaneda-Lopez, Sheffield, Spivey, and President Jones — 8.

Nays — None.

\*WAIVER OF RECONSIDERATION (No. 26), per motions before adjournment.

#### **RESOLUTION**

##### **In Support of Detroit Minority Businesses and Entrepreneurs**

By Council Member Sheffield:

Whereas, The City of Detroit is currently undergoing a positive transformative process particularly in the downtown Central Business District, and in various business districts throughout the city infusing much needed life and vitality into the city and business communities; and

Whereas, Small businesses play a vital role in the makeup of our local economy and have the ability to respond and adapt quickly to changing economic climates. Additionally, they stimulate economic growth by providing employment opportunities to individuals who might not have access to employment in large corporations; and

Whereas, While growth and development of new businesses are welcomed and much sought after, it is important to recognize that the businesses that have weathered turbulent times and stayed within the city should not be forgotten and pushed out in the current renaissance of Detroit, and

Whereas, Specifically, it is critical that the City of Detroit support long-standing minority owned and operated small busi-

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By Council Member Watson:

Resolved, that, in accordance with the above communication the Finance Director is hereby authorized to increase the amount of Contract Purchase Order #2653428 from \$509,300 to \$549,300 for Superstructure replacement and deck replacement etc. at various structure over Hwy. I-96 and honor vouchers when presented in accordance with this resolution.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Jones, Keryatta, Reeves, Tinsley, Talabi, Watson, and President K. Cockrel, Jr. — 8.

Nays — None.

#### Law Department

April 20, 2007

Honorable City Council:

Re: Proposed Ordinance to Amend Chapter 27 of the 1984 Detroit City Code, *Human Rights*, by adding Article IX, *Bias-Based Policing and Solicitation of Immigration Status*.

The above-referenced proposed ordinance was requested by your Honorable Body, through Council President Kenneth V. Cockrel, Jr. The Law Department worked with the President and his staff, the Police Department, and Council Research and Analysis Division to draft the proposed ordinance, which has been approved as to form.

Pursuant to the applicable provisions of the 1997 Detroit City Charter, the above-referenced proposed ordinance is being submitted to your Honorable Body for consideration. The proposed ordinance will amend Chapter 27 of the 1984 Detroit City Code, by adding Article IX, to provide a statement of purpose; to define the terms 'blight violation', 'City', 'civil infraction', 'criminal offense', 'person', 'police officer', and 'public servant'; to prohibit differential treatment of individuals in the context of rendering police services or taking police action on the basis of appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, or sexual orientation; to prohibit solicitation of information on immigration status and to provide exceptions thereto; to provide for the implementation of the article; and to provide for penalties for violation of the article.

We are available to answer any questions that you may have concerning this proposed ordinance. Thank you for your consideration.

Respectfully submitted,  
BRENDA E. BRACEFUL  
Deputy Corporation Counsel

By Council Member Watson on behalf of  
K. Cockrel, Jr.:

**AN ORDINANCE to amend Chapter 27 of the 1984 Detroit City Code, *Human Rights*, by adding Article IX, *Bias-Based Policing and Solicitation of***

*Immigration Status*, which shall consist of Sections 27-9-1 through 27-9-7, to provide a statement of purpose, to define the terms 'blight violation', 'City', 'civil infraction', 'criminal offense', 'person', 'police officer', and 'public servant'; to prohibit differential treatment of individuals in the context of rendering police services or taking police action on the basis of appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, or sexual orientation; to prohibit solicitation of information on immigration status and to provide exceptions thereto; to provide for the implementation of this article; and to provide for penalties for violation of the article.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

**Section 1.** Chapter 27 of the 1984 Detroit City Code *Human Rights*, be amended by adding Article IX *Bias-Based Policing and Solicitation of Immigration Status*, which shall consist of Sections 27-9-1 through 27-9-7, to read as follows:

#### CHAPTER 27. HUMAN RIGHTS

#### ARTICLE IX. BIAS-BASED POLICING AND SOLICITATION OF IMMIGRATION STATUS

##### Sec. 27-9-1. Statement of Purpose.

It is the policy of the City of Detroit to respect the rights of, and provide equal services to, all persons regardless of appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, or sexual orientation; to ensure the enforcement of rights under the United States Constitution, including due process and equal protection; to promote community safety; to encourage victims of crime and witnesses to cooperate with law enforcement authority without regard to immigration status; to prevent bias-based policing, and to promote acceptance. In order to permit members of immigrant communities to access services that are provided by the City of Detroit government to which they are entitled; and to ensure that City public servants are acting consistent with federal law regarding local governments cooperating with federal immigration authorities, the City of Detroit enacts this article as an effective way to guide City public servants in adhering to rights under the United States Constitution, including due process and equal protection, and under federal law, while protecting the safety and health of all members of the Detroit community.

##### Sec. 27-9-2. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

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Blight violation means any unlawful act, or any omission or failure to act, which is designated by this Code as a blight violation pursuant to Section 41(2) of the Michigan Home Rule Cities Act, being MCL 117.41(2).

City means the City of Detroit.

Civil infraction means an act or omission that is prohibited by this Code, which is not a crime as defined in Section 5 of the Michigan Penal Code, being MCL 750.5 and for which civil sanctions may be ordered.

Criminal offense means a felony or misdemeanor as set forth in federal or state law or City ordinance, but does not mean a blight violation or civil infraction.

Person means any individual including, but not be limited to, victims and witnesses of crimes.

Police officer means a sworn member of the Detroit Police Department.

Public servant means the Mayor, members of the City Council, the City Clerk, any member of any City agency, board, commission, or other voting body that is established by the 1997 Detroit City Charter or by this Code, and any appointee, any employee, or any individual who provides services to the City of Detroit within or outside of its offices or facilities pursuant to a personal services contract.

**Sec. 27-9-3. Bias-based policing by public servants, who are police officers, on the basis of appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, or sexual orientation prohibited; exception.**

A public servant, who is a police officer, shall not exercise differential treatment of individuals in rendering police services based on a person's appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, or sexual orientation. A public servant, who is a police officer, shall not base reasonable suspicion for an investigative detention, probable cause for an arrest, or any other police action, on a person's appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, or sexual orientation. A public servant, who is a police officer, may take into account the reported appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, or sexual orientation for the purpose of identifying a described individual.

**Sec. 27-9-4. Solicitation of immigration status by public servants, who are police officer, prohibited; exceptions.**

(a) A public servant, who is a police officer,

(1) Shall not solicit information concern-

ing immigration status for the purpose of ascertaining a person's compliance with federal immigration law; or

(2) Shall not solicit information concerning immigration status from a person who is seeking police services, or is a victim, or is a witness.

(b) Notwithstanding the prohibitions set forth in Subsection (a) of this section, public servants, who are police officers, are expressly permitted to engage in the following activities, which shall not constitute a violation of this article:

(1) Solicitation of information concerning immigration status when performing public safety functions while assisting federal law enforcement in the investigation of a criminal offense; or

(2) Solicitation of information concerning immigration status from the subject of an investigation only when relevant to the investigation or prosecution of a criminal offense, or when processing an arrested person.

**Sec. 27-9-5. Solicitation of immigration status by public servants prohibited; exceptions.**

(a) A public servant is prohibited from inquiring into the immigration status of any person, or engaging in activities designed to ascertain the immigration status of any person, while acting within the scope of his or her authority, or employment, as a public servant.

(b) Notwithstanding the prohibitions set forth in Subsection (a) of this section, public servants are expressly permitted to engage in the following activities, which shall not constitute a violation of this article:

(1) Solicitation of information concerning immigration status where specifically required by any federal, state, or City law or program as a condition of eligibility for the service sought; or

(2) Solicitation of information concerning immigration status for the purpose of completing I-9 Forms, and, when relevant, in making hiring and payroll withholding decisions, including, but not limited to, completing I-9 Forms, questioning a person to complete the I-9 Form, obtaining documents that support the I-9 Form, and allowing federal authorities to audit an I-9 Form in accordance with law; or

(3) Solicitation of information concerning immigration status for a subpoena issued in a criminal proceeding, civil litigation, or an administrative proceeding for the production of City documents or for testimony of a public servant, including where related to immigration issues or other security issues; or

(4) Solicitation of information concerning immigration status by a public servant, who is a police officer, as set forth in Section 27-9-4 of this Code.

**Sec. 27-9-6. Implementation of article.**

This article shall be implemented by the Human Resources Department through



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ongoing training and educational programs to inform public servants regarding its prohibitions and requirements.

**Sec. 27-9-7. Violations and penalties.**

Where a public servant is alleged to have violated this article, the matter shall be referred, as appropriate, to the City Council in accordance with Section 2-107(2) of the 1997 Detroit City Charter, or to the department director or agency head, for review, investigation, and disposition. Any disciplinary action shall be carried out in accordance with the provisions of the 1997 Detroit City Charter and other laws, city personnel rules, civil service rules, union contracts, or other departmental or agency rules and regulations.

**Secs. 27-9-8 — 27-9-10. Reserved.**

**Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health, safety, and welfare of the People of the City of Detroit.

**Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.

**Section 4.** This ordinance shall become effective sixty (60) days after enactment in accordance with Section 4-115 of the 1997 Detroit City Charter.

Approved as to form:

BRENDA E. BRACEFUL

Deputy Corporation Counsel

Read twice by title, ordered printed and laid on table.

**RESOLUTION SETTING HEARING**

By Council Member Watson on behalf of Council President K. Cockrel, Jr.:

**RESOLVED,** That a public hearing will be held by this body in the Committee Room, 13th Floor of the Coleman A. Young Municipal Center, on MAY 4, 2007 at 9:45 A.M. for the purpose of considering the advisability of adopting the foregoing proposed ordinance to amend Chapter 27 of the 1984 Detroit City Code, *Human Rights* by adding Article IX, *Bias-Based Policing and Solicitation of Immigration Status*, which shall consist of Sections 27-9-1 through 27-9-7, to provide a statement of purpose, to define the terms 'blight violation', 'City', 'civil infraction', 'criminal offense', . . . to prevent differential treatment of individuals in the context of rendering police services or taking police action on the basis of appearance, ethnicity, immigration status, manner of dress etc.

All interested persons are invited to be present to be heard as to their views. Persons making oral presentations are encouraged to submit written copies to the City Clerk's office, for the record.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 8

Nays — None.

**Law Department**

March 26, 2007

Honorable City Council:

Re: Diane Marshall vs. City of Detroit and Mark A. Jones, Case No. 05-533471 NO. File No. A20000 002438 (KAC).

We have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in a confidential memorandum that is being separately hand-delivered to each member of your Honorable Body. From this review, it is our considered opinion that the City should agree to the entry of an Order of Dismissal and enter into an Agreement to Arbitrate on the terms and conditions set forth in the following resolution.

We, therefore, request authorization to agree to entry of an Order of Dismissal and to enter into an Agreement to Arbitrate on the terms and conditions set forth in the following resolution and, upon certification by the Law Department that the arbitrators have announced a decision requiring the City to pay a designated sum to the Diane Marshall, that your Honorable Body direct the Finance Director to issue a draft payable to Robert S. Drazin & Associates P.L.L.C., her attorneys and Diane Marshall, in the amount the City is to pay the Diane Marshall pursuant to the arbitrators' decision, but said draft shall not exceed Three Hundred Thousand Dollars and No Cents (\$300,000.00).

Respectfully submitted,

KRYSTAL A. CRITTENDON

Assistant Corporation Counsel

Approved:

JOHN E. JOHNSON, JR.

Corporation Counsel

By BRENDA E. BRACEFUL

Deputy Corporation Counsel

By Council Member Watson:

Resolved, That:

The Law Department is authorized to agree to entry of an Order of Dismissal and to enter into an Agreement to Arbitrate in the case of Diane Marshall vs. City of Detroit and Mark A. Jones, Wayne County Circuit Court Case No. 05-533471 NO. on the following terms and conditions:

A. 1. The parties shall submit to arbitration all matter in controversy raised in the above-named lawsuit.

2. Plaintiff shall recover a minimum amount of Twenty-Five Thousand Dollars (\$25,000.00).

3. The maximum amount of any award to the Diane Marshall shall not exceed the amount of Three Hundred Thousand Dollars (\$300,000.00).

4. Any award in the amount of zero (\$0.00) shall be interpreted to be in the amount of Twenty-Five Thousand Dollars (\$25,000.00).

Any award in excess of \$300,000.00 shall be interpreted to be in the amount of \$300,000.00.

There shall be no costs, fees, attorney fees or interest taxable with respect to the award rendered by the arbitrators.

The award of the arbitrators shall represent a full and final settlement of any amounts due and owing to Diane Marshall for any and all claims arising out of the incident which occurred on or about October 24, 2005 at or near East Warren Avenue at St. Antoine; however, limited judicial review may be obtained in a Michigan Federal District Court or Michigan Circuit Court of competent jurisdiction (a) in accordance with the standards for review of arbitration awards as established by law; or (b) on the ground that the arbitrators committed an error of law.

B. Promptly after the arbitrators announce their decision, the Law Department shall inform City Council in writing of that decision.

C. Upon certification by the Law Department that the arbitrators have announced a decision requiring the City to pay part or all \$300,000.00 to Diane Marshall, the Finance Director is authorized to issue a draft drawn upon the proper account in favor of Robert S. Drazin & Associates, P.L.L.C., her attorneys, and Diane Marshall, in the amount of the arbitrators' award, but said draft shall not exceed Three Hundred Thousand Dollars and No Cents (\$300,000.00).

Approved:

JOHN E. JOHNSON, JR.

Corporation Counsel

By: BRENDA E. BRACEFUL

Deputy Corporation Counsel

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, and President K. Cockrel, Jr. — 8.

Nays — None.

**Law Department**

April 11, 2007

Honorable City Council:

Re: Samie Olive vs. Sgt. Gordon Moore. Case No.: 05-502592 NO. File No.: A370000-005228 (MRJ).

On February 14, 2007, your Honorable Body passed a Resolution permitting the Law Department to agree to binding arbitration in the above-captioned lawsuit. A copy of the Resolution, as published, is attached hereto. The City Council through Paragraph B of said Resolution directed to Law Department to inform it as to the outcome of the arbitration. This letter is our compliance with that directive.

According to the Arbitration Award, which is attached hereto, the City must make payment to the Plaintiff as follows:

Posner, Posner & Posner Attys & Samie Olive in the amount of Two

Hundred Twenty-Five Thousand Dollars and No Cents (\$225,000.00).

Respectfully submitted,

FRANK E. BARBEE

Chief Assistant

Corporation Counsel

Received and placed on file.

**Buildings and Safety Engineering Department**

April 13, 2007

Honorable City Council:

Re: 5011 N. Campbell #101-102, Emergency Demolition.

The building at the above location was recently found to be extensively fire damaged and structurally unsafe to the point of near collapse.

Our records indicate that building #101 was ordered removed by Council on October 1, 2001; and this is the initial complaint for building #102.

It is our opinion that there is an actual and immediate danger affecting the health, safety and welfare of the public. Therefore, under the authority of Ordinance 290-H, we are taking emergency measures to have this building or portions thereof removed with the cost assessed against the property.

By copy of this letter, we will notify all utility companies to immediately start utility disconnects.

Respectfully submitted,

AMRU MEAH

Director

**Buildings and Safety Engineering Department**

April 13, 2007

Honorable City Council:

Re: 2672 14th, Emergency Demolition.

The building at the above location was recently found to be extensively fire damaged and structurally unsafe.

Our records indicate that this is the initial complaint for this location.

It is our opinion that there is an actual and immediate danger affecting the health, safety and welfare of the public. Therefore, under the authority of Ordinance 290-H, we are taking emergency measures to have this building or portions thereof removed with the cost assessed against the property.

By copy of this letter, we will notify all utility companies to immediately start utility disconnects.

Respectfully submitted,

AMRU MEAH

Director

**Buildings and Safety Engineering Department**

April 12, 2007

Honorable City Council:

Re: 8274 Plainview, Emergency Demolition.

The building at the above location was recently found to be extensively fire damaged and structurally unsafe.