ORDINANCE NO: ____________________

"KEEP BELLINGHAM FAMILIES WORKING ACT"

Whereas the policy of Bellingham is that all people are valued, have an inherent interest in liberty, and should be afforded dignity and respect, regardless of status including identity information such as race, gender, sexual orientation, religion, immigration, national or ethnic origin.

Whereas the City of Bellingham has a History of Anti-Discrimination Resolutions.

Whereas...History of Welcoming Resolution in _______: “membership in the Welcoming Cities and Counties Initiative, which encourages communities to create more welcoming, immigrant-friendly environments that maximize opportunities for economic growth and cultural vitality.

WHEREAS, Washington’s population grew by forty thousand (40,000) unauthorized residents between 2009 and 2014, making our state one of just six in the country with a growing unauthorized population; and

WHEREAS, Washington is the nation’s eighth largest refugee-receiving state; and

WHEREAS, an estimated one hundred thousand (100,000) Muslim residents are proud to call Washington their home and live peacefully as our neighbors, colleagues and friends; and

WHEREAS, more than twenty-eight thousand (28,000) unauthorized youth in Washington received temporary status through the Deferred Action for Childhood Arrivals (DACA) program/ and they deserve an opportunity to have a bright future and to contribute their time and talent to make Bellingham a city of innovation and growth;

CHAPTER 1:

A. CITY OF REFUGE AND FREE FROM HATE:
   It is hereby affirmed that the City of Bellingham is a City of Refuge and Free from Hate.

B. USE OF CITY FUNDS PROHIBITED.

No department, agency, commission, officer, contractor, or employee of the City of Bellingham shall use any city funds or resources to assist in the enforcement of federal immigration law or to gather or disseminate information regarding the immigration status of individuals in the City of Bellingham unless such assistance is required judicial warrant. The prohibition set forth in this Chapter shall include, but shall not be limited to:

1) Assisting or cooperating, in one’s official capacity, with any Immigration Customs Enforcement (ICE) or federal immigration investigation, with detention, or arrest procedures, public or clandestine, relating to alleged violations of the civil provisions of the federal immigration law.

2) Assisting or cooperating, in one’s official capacity, with any investigation, surveillance or gathering of information conducted by foreign governments.
3) Requesting information about, or disseminating information regarding, the immigration status of any individual, or conditioning the provision of services or benefits by the City of Bellingham upon immigration status, except as required by judicial warrant.

4) Including any application, questionnaire or interview form used in relation to benefits, services or opportunities provided by the City of Bellingham, any question regarding immigration status other than those required by state statute, regulation or court decision. Any such questions existing or being used by the city at the time this Chapter is adopted shall be deleted within thirty days of the adoption of this Chapter.

5) All city agencies must, within three (3) months after the effective date of this section, review their confidentiality policies and identify any changes necessary to ensure that information collected from individuals is limited to that necessary to perform agency duties and is not used or disclosed for any other purpose. Any necessary changes to those policies must be made as expeditiously as possible, consistent with agency or department procedures. These policies must make clear that public employees may not condition services or request information or proof regarding a person's immigration or citizenship status, or place of birth, except as required by law. The policies must also ensure that public services are available to, and public employees must serve, all Washington residents without regard to immigration or citizenship status.

C. The city by declaring itself to be a city of refuge and city free from hate, directs the mayor and city council to establish policies and procedures to:

1) Assure that public services are available to all residents and that public employees will serve all residents, without regard to the immigration or identity status of the person, actual or perceived religion, or race or ethnicity;

2) Require that in providing public services that a public employee may not request information or proof regarding a person's immigration or identity status;

3) Forbid registration of individuals based on immigration or identity characteristics or status, or religion;

4) Prohibit law enforcement officers, law enforcement staff, corrections officers, peace officers, and any other person or representative authorized to exercise or delegated to exercise peace officer duties, from stopping or arresting a person based on the person's immigration or identity status, or perceived or actual religion as provided herein;

5) Direct public employees to refuse any request from a federal agency that requires the identification of a person's immigration or identity status, leaving that determination to federal authorities;

6) Refuse any requests that are related to detaining, investigating, reporting, or arresting any person in regard to federal immigration or identity policy enforcement actions, such as 287(g) or the secured communities program leaving such actions to federal authorities;
7) Prohibit agreements to undertake or participate in, or otherwise carry out federal enforcement actions regarding any person and their federal immigration or identity status, leaving such actions to be carried out by federal authorities;
8) Deny access to other cities, states and agencies in other cities and states who are seeking to determine the immigration or identity status of any person within the City of Bellingham; and
9) Refuse federal authorities access to all state and local public facilities, including schools, libraries, hospitals, and courthouses, where the federal authority is directly or indirectly engaging in immigration enforcement.

CHAPTER 2: Nothing in the Ordinance prohibits or restricts any government entity or official from sending to, or receiving from federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual pursuant to Title 8 U.S.C. Secs. 1373 and 1644.

CHAPTER 3: CITY CLERK TO TRANSMIT COPIES OF THIS CHAPTER; INFORMING CITY EMPLOYEES.

The Clerk of the Board of Supervisors shall send copies of this Chapter, including any future amendments thereto that may be made, to every department, agency and commission of the City of Bellingham and County of Whatcom, the Washington Transit Authority, the Bellingham Police Department, the civilian oversight board formed in accordance to this Ordinance, the Whatcom County Sheriff’s Department, Washington State’s Senators, and the Washington State Congressional delegation, the Commissioner of the ICE, the United States Attorney General, and the Secretary of State and the President of the United States. Each appointing officer of the City of Bellingham and County of Whatcom shall inform all employees under her or his jurisdiction of the prohibitions in this ordinance, the duty of all of her or his employees to comply with the prohibitions in this ordinance, and that employees who fail to comply with the prohibitions of the ordinance shall be subject to appropriate disciplinary action. Each city and county employee shall be given a written directive with instructions for implementing the provisions of this Chapter.

CHAPTER 4: CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.

In undertaking the adoption and enforcement of this Chapter, the city is assuming an undertaking only to promote the general welfare. This section shall not be construed to limit or proscribe any other existing rights or remedies possessed by such person.

CHAPTER 5: DEFERRED ACTION FOR CHILDHOOD ARRIVALS

No city official, employee, staff, agency, department or contractor will share information or identification about current people with Deferred Action for Childhood Arrivals (DACA) status or applicants eligible for DACA with federal officials. Any order from the federal government to cancel, deny or restrict DACA status or approval will not be acted upon by the city. This is in the
interests of protecting all the people of Bellingham and promoting healthy, working communities of students and employed people and families.

CHAPTER 6: RESTRICTIONS ON LAW ENFORCEMENT OFFICIALS.

A. A law enforcement official shall not detain an individual on the basis of a civil immigration detainer after that individual becomes eligible for release from custody.

B. Law enforcement officials shall not arrest or detain an individual, or provide any individual's personal information to a federal immigration officer, on the basis of an administrative warrant, prior deportation order, or other civil immigration document based solely on alleged violations of the civil provisions of immigration laws.

C. Law enforcement officials shall make good faith efforts to seek federal reimbursement for all costs incurred in continuing to detain an individual, after that individual becomes eligible for release, in response to each civil immigration detainer.

E. The intent of this Chapter is to address requests for non-mandatory civil immigration detainers, voluntary notification of release of individuals, transmission of personal information, and civil immigration documents based solely on alleged violations of the civil provisions of immigration laws. Nothing in this Chapter shall be construed to apply to matters other than those relating to federal civil immigration detainers, notification of release of individuals, transmission of personal information, or civil immigration documents, based solely on alleged violations of the civil provisions of immigration laws.

F. Local law enforcement will not allow or proactively collaborate with federal immigration officials, during the course of a criminal investigation.

G. Law enforcement, and jail officials and staff will access to the jail and facilities by federal immigration officials or agents.

H. No person at the jail or facility will be handed over to the federal immigration officials without a valid judicial warrant.

CHAPTER 7: SEMI ANNUAL REPORTING.

By no later than July 1, 2017, the police chief shall provide to the civilian oversight board and the mayor a written report stating the number of detentions that were solely based on civil immigration detainers during the first six months following the effective date of this Chapter, and detailing the rationale behind each of those civil immigration detainers. Thereafter, the police chief shall submit a written report to the Board of Supervisors and the mayor, by January 1st and July 1st of each year, addressing the following issues for the time period covered by the report:

A. A description of all communications received from the federal agency charged with enforcement of the federal immigration law, including but not limited to the number of civil immigration detainers, notification requests, or other types of communications, and
B. A description of any communications the police department made to the federal agency charged with enforcement of the federal immigration law, including but not limited to any department's responses to inquires as described in Chapter 6, Sections B and C, and the department's determination of the applicability of Sections B and C.

NEW CHAPTER. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the City of Bellingham and its existing municipal institutions, and takes effect immediately.

NEW CHAPTER. 9. In so far as the following policy of the Bellingham Police Department violates this Ordinance, it is repealed:

**Bellingham Police Department Policy 417. Immigration Violations.**

Any other laws, regulations, policies, or procedures which violate or conflicts with the Ordinance shall be repealed, terminated, or immediately ended upon the passing of the Act.

Any and all other policies, regulations, decisions, or agreements of or with the City of Bellingham which is in conflict with the intent or provisions of the Ordinance are immediately repealed or voided.

CHAPTER 10. SEVERABILITY. If for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Section. The Board of Supervisors hereby declares that it would have passed this section and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this section would be subsequently declared invalid or unconstitutional.

CHAPTER 11: CIVILIAN OVERSIGHT BOARD.

A civilian oversight board will be formed in order to review and enforce the requirements of this Ordinance by the time the Ordinance is effective. Five (5) persons will serve be on this board for a term of three (3) years. The mayor, Latino Advocacy, the Whatcom Peace and Justice Center, Community to Community, and Northwest Youth Services may each appoint one person to serve on the board. A civilian oversight board is a crucial component to build trust with the community, establish transparency, and ensure enforcement of this Ordinance.

CHAPTER 12: ENFORCEMENT.

A. The Human Rights Commission and a civilian oversight board, when it exists, shall review the compliance of the municipal departments, agencies, commissions and employees with the mandates of this ordinance in particular instances in which there is question of noncompliance or when a complaint alleging noncompliance has been lodged. The Human Rights Commission and civilian oversight board shall have subpoena power in order to enforce this ordinance.
B. An individual may enforce this section in a civil action for any and all of the following remedies; compensatory and punitive damages, injunctive and declaratory relief; and other such relief as a court deems appropriate. An individual may seek this action with or without submission of a complaint as described in Section A above.

C. In an action brought under this section, relief may be obtained against;

1) Any government body of the City of Bellingham that violated any of the provisions herein and;
2) Any law enforcement officer or employee of the City of Bellingham that violated any of the provisions herein and;
3) Any person with supervisory authority over such law enforcement officer or city employee that violated any of the provisions herein.

D. In any action or proceeding to enforce this section against any governmental body, the court may allow a prevailing plaintiff reasonable attorney's fees as part of the costs, and may include expert fees as part of the attorney's fees.