



Eugene City Council

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EUGENE CITY COUNCIL AGENDA

September 16, 2019

7:30 p.m. CITY COUNCIL PUBLIC HEARING
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

Meeting of September 16, 2019;
Her Honor Mayor Lucy Vinis Presiding

Councilors

Betty Taylor, President
Mike Clark
Chris Pryor
Jennifer Yeh

Emily Semple, Vice President
Greg Evans
Claire Syrett
Alan Zelenka

7:30 p.m. CITY COUNCIL PUBLIC HEARING
Harris Hall, 125 East 8th Avenue

- 1. PUBLIC HEARING: An Ordinance Concerning Protections for Individuals and Amending Section 2.497 of the Eugene Code, 1971.**

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010,
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EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning Protections for Individuals and Amending Section 2.497 of the Eugene Code, 1971.

Meeting Date: September 16, 2019
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Jennifer Lleras Van Der Haeghen
Contact Telephone Number: 541-682-5619

ISSUE STATEMENT

The City Council established an Ordinance for the Protection of Individuals in March 2017. This ordinance provides certain protections for all Eugene residents, including immigrants. Following the passage of this ordinance, the Eugene City Council requested a work session to better understand which individually identifiable data is collected and how it's maintained. This information was provided in June 2018 to help the City Council determine if there are amendments to this ordinance that the City Council would like to adopt. Following that presentation and discussion, the City Council requested that staff draft potential language for amendment adoption to limit the information that is collected and maintained related to individually identifiable immigration status information. In July 2019, the City Council received a presentation with an update on the existing ordinance and was presented with draft language to amend the existing ordinance. Council voted unanimously to move the draft language, which would limit the information that is collected and maintained related to individually-identifiable immigration status, to a public hearing.

BACKGROUND

At the November 14, 2016, meeting, City Council passed Resolution No. 5174 “declaring the City of Eugene’s commitment to being a welcoming, inclusive and safe community for everyone.” In response to continued community interest, City Council—at their December 12, 2016, meeting—directed the Mayor to form an Ad Hoc Committee to establish concepts, goals and outcomes for a potential ordinance. The Ad Hoc Committee met twice in late January and early February 2017 and presented their proposed outcomes for an ordinance to council at the February 22, 2017, work session.

At the February 22, 2017, work session, council passed a motion to bring back a proposed ordinance for public hearing that would adopt the provisions of ORS 181A.820 and 181A.250 related to law enforcement personnel; expand the applicability of ORS 181A.820 to cover all other City employees; and prohibit all other City employees from collecting and maintaining information regarding political, religious or social views of individuals.

On March 13, 2017, council unanimously passed the Protections for Individuals Ordinance (Ordinance 20579). This ordinance provides certain protections for all Eugene residents, including immigrants. This action put provisions of an existing state law into City Code preventing the use of City resources (money, equipment or personnel) to detect or apprehend individuals whose only violation of the law is that they are present in the United States in violation of federal immigration laws. Beyond the ordinance, the Mayor's Ad Hoc Committee had proposed an expansion that would require the City of Eugene be prohibited from collecting individually identifiable information as it relates to 16 categories. These categories include immigration status, race, ethnicity, national origin, gender, gender identity, sexual orientation, housing status, disability, association, activities, organization, corporation, business, partnership or group.

In May 2018, to better understand the potential impact of amending the ordinance, the City Manager directed each department within the City to review its existing policies and practices on data collection regarding the 16 categories and report back on a series of questions to equip council with the information needed to make a well-informed decision on potential amendments to Ordinance 20579.

In June 2018, this information was presented to the City Council at a work session. The presentation included data gathered from each department. This data was thorough but not fully comprehensive due to time and capacity limitations. From the data provided, staff found that City of Eugene departments are primarily collecting data in three core categories: when information is legally required; in service provision; and, to advance the City's equity goals. There were two areas in which collection of individually identifiable information was more prevalent: in employment-related process and in program service delivery in which a person's individual experience (e.g., a person has a disability or is currently unhoused) may qualify them for services. Based on the information collected, immigration status information was only collected in employment-related processes and/or when shared voluntarily. Council requested staff return at a future date to propose codifying language that would limit City of Eugene employees from collecting or maintaining individually identifiable immigration status in certain circumstances. Council also asked the City Manager to put policies in place to address collection and maintenance of individually identifiable immigration status as an interim measure until it could act on potential amendments.

In September 2018, the City Manager signed Administrative Order No. 21-18-09 Establishing City Policy Prohibiting Collection and Maintenance of Immigration Status by City Employees Except in Certain Circumstances. This action confirmed a commitment to City of Eugene law enforcement personnel fully implementing the Eugene Code sections 2.495 and 2.497 regarding immigration status information and prohibited City of Eugene employees from collecting or maintaining immigration status information, except when voluntarily provided or required to comply with state or federal law.

Upon the adoption of Administrative Order No. 21-18-09, City staff received electronic communications about the order through their Executive Directors. In some cases, especially with City staff who have a high level of community engagement at public events, staff received training on how to properly adhere to the ordinance and administrative order in their daily activities. This

training was developed with guidance from the City Attorney's Office and is provided by the Office of Human Rights and Neighborhood Involvement.

In July 2019, City Council reviewed language for a potential amendment to the Protections of Individuals ordinance and learned about Administrative Policies that will be added to the City of Eugene Administrative Policy Manual that all staff are required to adhere to in their course of work with the City. At that work session, council voted unanimously to move the draft language limiting the information collected and maintained related to individually identifiable immigration status to a public hearing.

PREVIOUS COUNCIL DIRECTION

[Work Session: February 22, 2017](#)

Council passed a motion to bring back a proposed ordinance that would adopt the provisions of ORS 181A.820 and 181A.250 related to law enforcement personnel; expand the applicability of ORS 181A.820 to cover all other city employees; and prohibit all other city employees from collecting and maintaining information regarding political, religious, or social views of individuals

[Meeting: March 13, 2017](#)

Council adopted the Ordinance for the Protections of Individuals and Groups

[Work Session: June 13, 2018](#)

Council updated on the Ordinance for Protection of Individuals and Groups and directed staff to return with draft language that would strengthen protections for immigrants.

[Work Session: July 24, 2019](#)

Council voted to move draft language that would limit the information collected and maintained related to individually-identifiable immigration status to a public hearing.

COUNCIL OPTIONS

The Council may choose to:

- a. Vote to amend Ordinance 20579
- b. Take no action at this time

ATTACHMENTS

- A. Protections for Individuals Ordinance (Ordinance 20579)
- B. Draft Ordinance – Protections for Individuals (Amends 2.497)
- C. Administrative Order No. 21-18-09

FOR MORE INFORMATION

Staff Contact: Jennifer Lleras Van Der Haeghen
Telephone: 541-682-5619
Staff E-Mail: jvanderhaeghen@eugene-or.gov



COUNCIL ORDINANCE NO. 20579

COUNCIL BILL 5173

**AN ORDINANCE CONCERNING PROTECTIONS FOR INDIVIDUALS
AND ADDING SECTIONS 2.495 AND 2.497 TO THE EUGENE CODE,
1971.**

ADOPTED: March 13, 2017

SIGNED: March 15, 2017

PASSED: 5:0

REJECTED:

OPPOSED:

ABSENT: Taylor, Poling, Evans

Although Section 2 of this Ordinance contains an immediate effective date, the Ordinance actually will take effect after 30 days. Only five councilors voted to approve the Ordinance; under the Eugene Charter, enactment of an immediate effective date requires that six councilors vote yes.

EFFECTIVE: April 15, 2017



ORDINANCE NO. 20579

AN ORDINANCE CONCERNING PROTECTIONS FOR INDIVIDUALS AND ADDING SECTIONS 2.495 AND 2.497 TO THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Sections 2.495 and 2.497 are added to the Eugene Code, 1971, to provide as follows:

2.495 Protections for Individuals.

- (1) The city shall not use city law enforcement moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.
- (2) Notwithstanding subsection (1) of this section, city law enforcement personnel may exchange information with the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services and the United States Bureau of Customs and Border Protection in order to:
 - (a) Verify the immigration status of a person if the person is arrested for any criminal offense; or
 - (b) Request criminal investigation information with reference to persons named in records of the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services or the United States Bureau of Customs and Border Protection.
- (3) Notwithstanding subsection (1) of this section, city law enforcement personnel may arrest any person who:
 - (a) Is charged by the United States with a criminal violation of federal immigration laws under Title II of the Immigration and Nationality Act or 18 U.S.C. 1015, 1422 to 1429 or 1505; and
 - (b) Is subject to arrest for the crime pursuant to a warrant of arrest issued by a federal magistrate.
- (4) As used in this section, "warrant of arrest" has the meaning given that term in ORS 131.005.
- (5) All non-law enforcement personnel working for the city also shall not use city moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.

2.497 Information Not to Be Collected or Maintained.

- (1) No city law enforcement personnel may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of

criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.

- (2) No non-law enforcement personnel working for the city may collect or maintain information about the political, religious or social views of any individual.

Section 2. Pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, this Ordinance shall become effective immediately upon adoption by the Council and approval by the Mayor, or passage over the Mayor's veto. An immediate effective date is necessary in light of the recent directives from the federal government related to enforcement of immigration laws.

Section 3. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

13th day of March, 2017

Beth Louest
City Recorder

Approved by the Mayor this

15 day of March, 2017

Lucy Vinis
Mayor

ORDINANCE NO. _____

**AN ORDINANCE CONCERNING PROTECTIONS FOR INDIVIDUALS AND
AMENDING SECTION 2.497 OF THE EUGENE CODE, 1971.**

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.497 of the Eugene Code, 1971, is amended to provide as follows:

2.497 Information Not to Be Collected or Maintained.

- (1) No city law enforcement personnel may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.
- (2) No non-law enforcement personnel working for the city may collect or maintain information about the political, religious or social views of any individual.
- (3) ***No city employee may collect or maintain individually identifiable immigration status information unless (a) such collection and maintenance is required to comply with state or federal law; (b) the individually identifiable immigration status information is voluntarily provided to the city by the individual; or (c) the information is provided to the city as part of a city application process for employment or a contract with the city, or a business permit or license from the city.***

Section 2. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

_____ day of _____, 2019

Approved by the Mayor this

_____ day of _____, 2019

City Recorder

Mayor

**ADMINISTRATIVE ORDER NO. 21-18-09
of the
City Manager of the City of Eugene, Oregon**

**ESTABLISHING CITY POLICY PROHIBITING COLLECTION AND
MAINTENANCE OF IMMIGRATION STATUS BY CITY EMPLOYEES
EXCEPT IN CERTAIN CIRCUMSTANCES.**

The City Manager of the City of Eugene finds that:

A. Under the provisions of Chapter IV, Section 16 of the Eugene Charter of 2002, the City Manager is designated as the administrative head of the City, specifically authorized to organize, and, as deemed necessary, disband and reorganize various City departments, and to enforce all ordinances of the City.

B. The City of Eugene has a long history of welcoming immigrants. On November 14, 2016, the City of Eugene again demonstrated its dedication to embracing humanitarian efforts by the City Council's adoption of Resolution No. 5154, declaring the City's commitment to serve as a place of refuge for refugees from around the world.

C. On March 13, 2017, the City Council adopted the Protections for Individuals Ordinance (Ordinance No. 20579). The ordinance adopted into City Code the provisions of ORS 181A.820 prohibiting law enforcement personnel from using City resources (moneys, equipment or personnel) to detect or apprehend individuals whose only violation of the law is that they are present in the United States in violation of federal immigration law; expanded the applicability of ORS 181A.820 to cover all non-law enforcement City employees; adopted into City Code the provisions of ORS 181A.850 prohibiting law enforcement personnel from collecting or maintaining certain information on individuals and groups unless directly related to a criminal investigation; and, expanded ORS 181A.850 to cover all non-law enforcement City employees from collecting and maintaining information regarding political, religious or social views of individuals.

D. On June 13, 2018, the City Council held a work session regarding the type of demographic data information that the City gathers and uses in the delivery of services to the community. Information provided during that work session revealed that, generally, City employees collect individually identifiable immigration status information only when doing so is needed to comply with state or federal law, or when the information is voluntarily provided to the City.

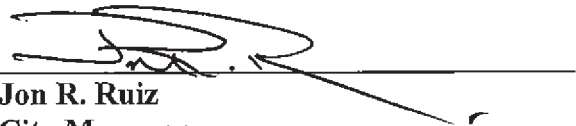
E. In keeping with the City's dedicated commitment to protecting and respecting all persons, it is important to ensure that all City employees collect and maintain individually identifiable immigration status information only when absolutely necessary to do so.

NOW, THEREFORE, based upon the above findings, I order that:

Section 1. City of Eugene law enforcement personnel shall continue to fully implement the provisions of Eugene Code Sections 2.495 and 2.497 regarding immigration status information. In addition, all other City employees are prohibited from collecting or maintaining individually identifiable immigration status information unless such collection and maintenance is required to comply with state or federal law, or if the individually identifiable immigration status information is voluntarily provided to the City by the individual.

Section 2. The Executive Director for each City department shall convey this Policy to employees within their Department.

Dated and effective this 7th day of September, 2018.


Jon R. Ruiz
City Manager