Eugene City Council
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EUGENE CITY COUNCIL AGENDA

February 22, 2017

12:00 p.m. CITY COUNCIL WORK SESSION
Harris Hall
125 East 8th Avenue
Eugene, Oregon 97401

Meeting of February 22, 2017;
Her Honor Mayor Lucy Vinis Presiding

Councilors

Alan Zelenka, President	Mike Clark, Vice President
George Poling	Greg Evans
Emily Semple	Chris Pryor
Claire Syrett	Betty Taylor

12:00 p.m. CITY COUNCIL WORK SESSION
Harris Hall, 125 East 8th Avenue

A. WORK SESSION
Report from Ad Hoc Committee Outcomes

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.

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or visit us online at ***www.eugene-or.gov.***

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Work Session: Report from Ad Hoc Committee Outcomes

Meeting Date: February 22, 2017 | Agenda Item Number: A
Department: Central Services | Staff Contact: Jason Dedrick
www.eugene-or.gov | Contact Telephone Number: 541-682-5033

ISSUE STATEMENT
The purpose of this work session is to provide City Council with the final products from an Ad Hoc Committee created to develop outcomes for a potential ordinance related to the concept off a "sanctuary city." City Council may choose to utilize this information to determine whether to direct staff to create a related draft ordinance.

BACKGROUND
At the November 14, 2016 meeting, City Council passed Council Resolution No. 5174, "declaring the City of Eugene's commitment to being a welcoming, inclusive, and safe community for everyone" (Attachment A). In response to continued community interest, City Council at their December 12, 2017 meeting directed the Mayor to form an Ad Hoc Committee to establish proposed outcomes for a potential ordinance to make Eugene a "sanctuary city."

The Ad Hoc Committee met twice in late in January and early February and created a document that contains proposed outcomes for an ordinance (Attachment B). This document also contains the names of committee members, an overview of their process and some additional considerations for City Council on this topic.

At the November meeting of the Human Rights Commission (HRC), substantial testimony was received from community members in support of Eugene becoming a "sanctuary city." In response to this testimony, the HRC created a subcommittee to further discuss steps that could be taken and to create draft ordinance language, should the City Council wish to pursue this is as course of action. The HRC approved a draft ordinance (Attachment C) at their December meeting, following substantial testimony once again in support of an ordinance.

RELATED CITY POLICIES
Efforts associated with ensuring Eugene is a safe, welcoming, inclusive community relate to Council goals on safe community and effective, accountable municipal government.

COUNCIL OPTIONS

The City Council may consider the following options:

1. Direct the City Manager to create a draft ordinance for consideration by City Council and schedule a Public Hearing.
2. Do not direct the City Manager to create a draft ordinance for consideration by City Council.

CITY MANAGER'S RECOMMENDATION

No City Manager recommendation is needed at this time

SUGGESTED MOTION

Move to direct the City Manager to create a draft ordinance establishing the City of Eugene as a sanctuary city and to schedule a Public Hearing on the draft ordinance.

ATTACHMENTS

Attachment A – City Council Resolution No. 5174
Attachment B – Sanctuary City Ad Hoc Committee Proposed Outcomes
Attachment C – Human Rights Committee Sanctuary City Draft Ordinance

FOR MORE INFORMATION

Staff Contact: Jason Dedrick
Telephone: 541-682-5033
Staff E-Mail: jason.p.dedrick@ci.eugene.or.us

COUNCIL RESOLUTION NO. 5174

A RESOLUTION DECLARING THE CITY OF EUGENE'S COMMITMENT TO BEING A WELCOMING, INCLUSIVE, AND SAFE COMMUNITY FOR EVERYONE

PASSED: 7:0

REJECTED:

OPPOSED:

ABSENT: Zelenka

CONSIDERED: November 14, 2016

RESOLUTION NO. 5174

A RESOLUTION DECLARING THE CITY OF EUGENE'S COMMITMENT TO BEING A WELCOMING, INCLUSIVE, AND SAFE COMMUNITY FOR EVERYONE

The City Council of the City of Eugene finds that:

A. As the Mayor and City Council of the City of Eugene, we are united in our commitment to serve the people that we represent after the culmination of one of the most divisive general elections in our Country's history.

B. In alignment with City Council's goal of creating a safe and welcoming community, we are firm in our resolve to ensure that all people residing in, visiting and passing through the City of Eugene are safe. We choose to be a leader in promoting human rights and social justice and equity, public safety and social well-being.

C. The City of Eugene has a long standing history and commitment of supporting many communities who are experiencing hate, bias and discrimination and the City Council has adopted Ordinances and Resolutions that demonstrate this commitment, including:

1. Human Rights Municipal Code provisions, EC 4.613 - 4.655 (adopted in 1971, with the most recent amendment adopted in 2014 which made it unlawful to discriminate based on gender (Ord. 20523))

2. Resolution 5073 (adopted 2012) Support of a Statement of Principles for Immigrant Integration

3. Resolution 5142 (adopted in 2015) A Resolution Declaring the Urgency of the Housing and Homelessness Crisis

4. Resolution 5148 (adopted in 2016) A Resolution Declaring the Second Monday of October as Indigenous Peoples' Day

5. Resolution 5150 (adopted in 2016) A Resolution Supporting the Oregon Convention on Elimination of All Forms of Discrimination Against Women

6. Resolution 5154 (adopted in 2016) A Resolution Declaring the City of Eugene's Commitment in Protecting Refugees

D. We believe in and are committed to continue our work to build a community that is welcoming, inclusive, just and safe for everyone.

E. We welcome all people and recognize the rights of individuals to live their lives with dignity, free of discrimination and targeting because of their age, faith, race, national origin, immigration status, gender identity, ability, ethnicity, housing status, sexual orientation, economic status or other social status.

F. We are committed to treating all people fairly, and to fully embracing the unique contributions of all Eugene residents regardless of age, faith, race, national origin, immigration status, gender identity, ability, ethnicity, housing status, sexual orientation, economic status or other social status.

G. We strongly condemn bias, intimidation, harassment and other acts that are based on age, faith, race, national origin, immigration status, gender identity, ability, ethnicity, housing status, sexual orientation, economic status or other social status.

H. We are committed to ensuring that all members of our community are free from acts that are rooted in fear, ignorance, prejudice, and hate.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

Section 1. The City Council is committed to making Eugene a welcoming, inclusive, and safe community for everyone.

Section 2. The City Council is committed to standing together with the people of Eugene in opposing hate and bias activities and acts of intolerance committed against our neighbors.

Section 3. The City Council is committed to its mechanisms the community can use to report incidents of hate and bias and will build upon partnerships with community organizations and local agencies to track and respond to these incidents in the City of Eugene's annual Hate and Bias report and at the direction of the City of Eugene's Hate and Bias Response Plan.

Section 4. This Resolution is effective immediately upon its passage by the City Council.

The foregoing Resolution adopted the 14th day of November, 2016.

Beth Forrest

City Recorder

ATTACHMENT B

Sanctuary City Ad Hoc Committee

Proposed Outcomes

February 6, 2017

Sanctuary City Ad Hoc Committee Members

Mayor Lucy Vinis
Philip Carrasco
Dave Fidanque
Ibrahim Hamide
Ken Neubeck
Bonnie Souza

Eugene City Manager's Office

Sanctuary City Ad Hoc Committee Process

This document serves to outline the process and outcomes of work completed by the Sanctuary City Ad Hoc Committee. The Eugene City Council previously expressed an interest in looking more closely at a potential Sanctuary City ordinance for the community. At the December 12, 2016 meeting of the Eugene City Council, Mayor Piercy approved Councilor Pryor's request to form an Ad Hoc Committee to provide information to Council on this topic. The goal of the group was to "bring back to City Council, the concepts, goals, and outcomes" for a potential Sanctuary City ordinance.

The Ad Hoc Committee met on January 27 and February 3. Based on input received from the community, staff created a list of draft outcomes for a potential ordinance prior to the first meeting. This became the basis for committee discussion. Included below are the final outcomes and considerations that the committee has agreed a potential ordinance should address.

Sanctuary City Ad Hoc Committee Outcomes

Staff have received input related to a potential Sanctuary City ordinance from the community through meetings with interested parties, e-mails and public testimony at City Council and Human Rights Commission meetings. In addition to the draft ordinance forwarded to Council by the Human Rights Commission, the following five outcomes reflect what has been conveyed via these avenues. Four additional considerations are also included.

In order to reassure vulnerable populations who reside or work in the City and to assure those protections would remain in place if there is action at the state level that removes the existing protections contained within ORS 181A.250 and 181A.820, the Human Rights Commission and community members would like to see the following outcomes at the local level:

1. Maintain, clarify and expand the current direction within State statute (enforcement of federal immigration laws), (ORS 181A.820) that states no law enforcement agency of the state or political subdivision (in this case Eugene Police Department (EPD)), shall use agency moneys, equipment or personnel for the purpose of detecting and apprehending persons whose only violation of the law is that they are persons of foreign citizenship present in the US in violation of federal immigration laws, unless it is in regard to a criminal offense.

2. Apply the restriction of use of agency resources for activities outlined in State statute to all departments and activities under the jurisdiction of the City of Eugene.

3. Maintain the current direction within State statute (specific information not to be collected or maintained), (ORS 181A.250) that states no law enforcement agency (in this case EPD), may collect or maintain information about the political, religious or social views, associations or activities of any individual or groups unless it directly relates to an investigation of criminal activities. The term "information" should include not collecting or maintaining information which could be used to create a registry, database or map based on the prohibited criteria (see #5 below).

4. Apply the restriction of use of agency resources for activities outlined in State statute to all departments and activities under the jurisdiction of the City of Eugene.

5. Expanding the list (currently in ORS 181A.250, written in 1981) of covered elements that the city would be restricted from creating and maintaining lists. This has included: race, ethnicity, national origin, gender, gender identity, sexual orientation, disability and immigration status. Consider using the list contained in ORS 131.915(3), written in 2015, prohibiting police profiling based on such criteria.

Other Comments & Considerations

1. If referring to ORS 181A.820 or utilizing language therein, consider if updates or clarifications may be needed (originally written in 1987 and last updated in 2003)

2. Consider including language that the City would not facilitate or actively cooperate with efforts related to # 1 or # 3 above.

3. Consider language that will reinforce the language added to 181A.820 in 2003 that distinguishes between assisting with civil versus criminal proceedings. The intent would be to not do the bidding of Immigration and Customs Enforcement without judicial oversight. For example, the difference between acting on the orders of an individual federal employee versus acting in response to a confirmed violation of a criminal law.

4. When developing language to prohibit the creation of and maintenance of lists based on an individual's membership to a group, include both actual and perceived membership to said group. Consider language related to #5 above that would include not only actual identification with any of the groups mentioned, but also the perception of identification.

DRAFT

CITY OF SANCTUARY.
It is hereby affirmed that the City of Eugene Oregon is a Sanctuary City.

In accordance with ORS 181A.250, Specific information not to be collected or maintained, and ORS 181A.820, Enforcement of federal immigration laws, the City hereby implements the following:

USE OF CITY FUNDS AND RESOURCES PROHIBITED.
1) No office of the City of Eugene, including the Eugene Police Department, is permitted to:

(a) Conduct surveillance, compile, maintain, or provide a list or registry of city residents that is based on residents' race, ethnicity, color, religion, national origin, language, immigration status, gender, gender identity, sexual orientation, housing status, disability, or political or social views or activities, unless such information directly relates to an investigation of criminal activities, and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct; or

(b) Cooperate with the use of such a list or registry to deny human rights.

2) No department, agency, commission, officer or employee of the City of Eugene shall use any City funds or resources to assist in the enforcement of federal immigration law or to gather or disseminate information regarding individuals whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws. The prohibitions set forth in this Chapter shall include, but shall not be limited to:

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

(b) Assisting or cooperating, in one's official capacity, with any investigation, surveillance or gathering of information conducted by foreign governments, except for cooperation related to a violation of City, State or federal criminal laws, or in order to execute an arrest warrant issued by a federal magistrate in connection with a criminal violation of federal immigration law under Title II of the Immigration and Nationality Act or 18 U.S.C. 1015, 1422 to 1429 or 1505.

(c) 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 Eugene upon immigration status, except as required by federal or State statute, or court decision.

(d) Including on any application, questionnaire or interview form used in relation to benefits, services or opportunities provided by the City of Eugene, any question regarding immigration status other than those required by federal or State statute or court decision. Any such questions existing or being used by the City at the time this Chapter is adopted shall be deleted within 15 days of the adoption of this Chapter.

CHAPTER PROVISIONS INAPPLICABLE TO PERSONS CONVICTED OF CERTAIN CRIMES.
Nothing in this Chapter shall preclude any City department, agency, commission, officer or employee from (a) cooperating with an ICE request for information regarding an individual who has been convicted of a felony committed in violation of the laws of the State of Oregon, which is still considered a felony under state law; or (b) reporting information as required by federal or state statute, or court order, regarding an individual who has been convicted of a felony committed in violation of the laws of the State of Oregon, which is still considered a felony under state law. For purposes of this Section, an individual has been "convicted" of a felony when: (a) there has been a conviction by a court of competent jurisdiction; and (b) all direct appeal rights have been exhausted or waived; or (c) the appeal period has lapsed.

However, no officer, employee or law enforcement agency of the City of Eugene shall stop, question, arrest or detain any individual solely because of the individual's national origin or immigration status. In addition, in deciding whether to report an individual to ICE under the circumstances described in this Section, an officer, employee or law enforcement agency of the City of Eugene shall not discriminate among individuals on the basis of their ability to speak English or perceived or actual national origin.

Nothing herein shall be construed or implemented so as to discourage any person, regardless of immigration status, from reporting criminal activity to law enforcement agencies.

CITY CLERK TO TRANSMIT COPIES OF THIS CHAPTER; INFORMING CITY EMPLOYEES.
The City Clerk 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 Eugene, to Oregon's United States Senators, to each U.S. Representative whose district includes all or a portion of the City of Eugene, and to each member of the Oregon Legislative Assembly whose district includes a portion of the City of Eugene.

Each appointing officer of the City of Eugene shall inform all employees under her or his jurisdiction of the provisions of this ordinance, the duty of all of her or his employees to comply with the provisions of this ordinance, and that employees who fail to comply with the provisions of the ordinance shall be subject to appropriate disciplinary action. Each city and county employee shall be given a written directive with instructions as well as comprehensive training for implementing the provisions of this Chapter.

ENFORCEMENT.
The City of Eugene Human Rights Commission shall review the compliance of the City's departments, agencies, commissions and employees with the mandates of this ordinance, and in particular instances in which there is question of noncompliance or when a complaint alleging noncompliance has been lodged against an employee of the Eugene Police Department, will work in coordination with the Police Auditor and the Civilian Review Board.

CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.
In undertaking the adoption and enforcement of this Chapter, the City is assuming an undertaking to promote the general welfare. This Chapter is not intended to create any new rights the breach of which the City would be liable in money damages to any person who claims that such breach proximately caused injury. This section shall not be construed to limit or proscribe any other existing rights or remedies possessed by such person.

SEVERABILITY.
If any part of this ordinance, or the application thereof, is held to be invalid, the remainder of this ordinance shall not be affected thereby, and this ordinance shall otherwise continue in full force and effect. To this end, the provisions of this ordinance, and each of them, are severable.

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