

RESOLUTION NO. 2017-16

RESOLUTION DECLARING THE CITY OF FOREST GROVE A SANCTUARY CITY

WHEREAS, the City of Forest Grove is committed to living its values as a welcoming city for all individuals and is a community that seeks to accept everyone, regardless of a person's race, ethnicity, place of origin or immigration status; and

WHEREAS, all people within the city need to feel safe to contact local law enforcement or city government and be able to freely access critical public safety services without fear; and

WHEREAS, the City of Forest Grove follows state law, Oregon Revised Statute 181A.820 adopted nearly 30 years ago, which states that: "No law enforcement agency of the State of Oregon or of any political subdivision of the state shall use agency 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"; and

WHEREAS, the City of Forest Grove defines "Sanctuary City" as a city that is committed to providing a safe community for individuals, regardless of race, ethnicity, place of origin, or immigration status, and works to ensure that all members of our community are safe and can call for public safety assistance without fear of reprisal based solely on federal immigration status, in accordance with current Oregon law; and

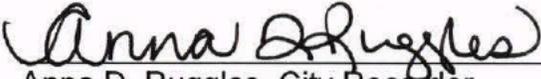
WHEREAS, the city of Forest Grove is committed to ensuring that the provision of services and benefits by the City shall not be conditioned upon a community member's federal immigration status, except as required by law;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1. The City Council declares the City of Forest Grove to be a Sanctuary City, as defined by this resolution, as a statement of unity for our community.

Section 2. This Resolution is effective immediately upon its enactment by the City Council.

PRESENTED this 23rd day of January, 2017.



Anna D. Ruggles, City Recorder



Peter B. Truax, Mayor



A place where families and businesses thrive.

<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	<u>9</u>
MEETING DATE:	<u>1/23/17</u>
FINAL ACTION:	<u>Failed</u>

3-3
Reso 2017-16

TO: Mayor and City Council

FROM: Paul Elsner, City Attorney
Jesse VanderZanden, City Manager
Anna Ruggles, City Recorder

MEETING DATE: January 23, 2017

SUBJECT TITLE: Mayoral-sponsored Resolution Declaring the City of Forest Grove a Sanctuary City

BACKGROUND:

This staff report supplements the staff report from January 9, 2017, which is included below. On January 9th, 2017, the City Council held a public hearing “to consider whether to enact a resolution affirming the City of the Forest Grove’s commitment to a safe, open, and inclusive community for all people.” Prior to and during the public hearing, the city received 10 written and 24 oral comments in favor of a resolution (a majority favoring use of the word “sanctuary”); 3 written and 3 oral comments opposed to a resolution (a majority concerned about the risk to federal funding); and 2 written and 2 oral neutral comments. The public hearing was closed that evening after hearing testimony. The Council did not provide direction to staff on how to proceed. The attached resolution was written and proposed by the Mayor.

Subsequent to the January 9th public hearing, the City has received 57 public responses; 53 in favor of a resolution, 2 opposed, and 2 neutral. These responses are on file at City Hall. The City of Beaverton unanimously passed a “sanctuary city” resolution on January 10th, also attached.

A question that has been asked repeatedly is to what extent a “sanctuary” designation would jeopardize Forest Grove’s federal funding. The answer is it depends. As a contractual condition of receiving federal funding, municipalities are required to follow federal law. This is a longstanding practice of the federal government to encourage uniform application and compliance with federal rules, regulations, and laws. If the municipality does not follow the contract terms, either intentionally or otherwise, it is subject to compliance measures including the repayment of federal funds and withholding of future federal funds until the contract terms are remedied.

“Sanctuary” is not a defined legal term; therefore, how it is defined in a resolution may determine the level of risk to federal funding. If “sanctuary” is limited as merely following state law, the risk is less likely such a resolution could be construed as violating Forest Grove’s federal contractual obligations (see 8 USC §1324, defined below). If, however, “sanctuary” is expressly defined as prohibiting or restricting federal authorities from exercising their rights under federal law, it would likely be construed as a contractual violation and possibly a separate violation of federal criminal law (18 USC §111), among others. Beaverton’s resolution opted to affirm state law and remain silent on federal law. No resolution, regardless of its content, could lawfully prohibit federal authorities from applying federal law within a municipality.

Attachment A: Mayoral-sponsored Resolution Declaring the City of Forest Grove a Sanctuary City
Attachment B: City of Beaverton Resolution Declaring Beaverton a Sanctuary City

STAFF REPORT FROM JANUARY 9, 2017

TO: Mayor and City Council

FROM: Jesse VanderZanden, City Manager
Paul Elsner, City Attorney

MEETING DATE: January 9, 2017

SUBJECT TITLE: Public Hearing to consider whether to enact a resolution affirming the City of Forest Grove's commitment to a safe, open, and inclusive community for all people.

BACKGROUND:

At the December 12th, 2016 meeting, Mayor Truax introduced a letter favoring a public hearing in January regarding a "sanctuary city" designation for Forest Grove. The consensus of the Council was to hold a public hearing and solicit input prior to making a decision. The Mayor's letter followed testimony from two citizens at the November 28th City Council meeting and a letter from State Rep. Susan McLain encouraging a "sanctuary city" designation.

The term "Sanctuary City" does not have a legal definition. Wikipedia defines it as: "A sanctuary city has adopted a policy of protecting undocumented immigrants by not prosecuting them solely for violating federal immigration laws in the country they are now living illegally. Such a policy can be set out expressly in a law (*de jure*) or observed only in practice (*de facto*). The term applies generally to cities that do not use municipal funds or resources to enforce national immigration laws, and usually forbid police or municipal employees to inquire about a person's immigration status. The designation has no precise legal meaning."

State law essentially makes Oregon a "sanctuary state." Oregon Revised Statute (ORS) 181A.820 provides in part: "No law enforcement agency of the State of Oregon or of any political subdivision of the state shall use agency 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."

The City of Forest Grove Police Department does not operate its own jail, therefore, does not get involved with immigration and deportation issues of residents that are here illegally and who may have committed a crime. Those issues are handled directly by Washington County. Washington County Sheriff Pat Garrett recently explained how ORS 181A.820 (as quoted above) prohibits law enforcement agencies in Oregon from becoming involved with immigration issues.

Additionally, Forest Grove police officers do not inquire about a person's legal status when working with residents in our community. Forest Grove police officers are committed to the safety and protection of all Forest Grove residents and provide a safe space in which residents can report law enforcement events without fear of inquiry into their immigration status. A formal "sanctuary" designation would not change any current practices in Forest Grove. While it may convey a message to residents that local law enforcement

will not inquire about a person's immigration status, it does not prohibit Immigration Control and Enforcement (ICE) from enforcing federal law in Forest Grove.¹

CURRENT STATUS:

Reports vary on how many and what local municipalities in Oregon are considered a "sanctuary". If "sanctuary" is defined as not honoring ICE detainers without a court order, then up to 28 Oregon counties, including Washington County, would be considered "sanctuaries". Corvallis recently declared itself a sanctuary city and Portland Mayor-elect Ted Wheeler has stated Portland will remain a sanctuary city. Multnomah County recently declared itself a "sanctuary county." Hillsboro, Beaverton, and Cornelius recently passed statements/resolutions affirming their commitment to all citizens but stopped short of declaring themselves a sanctuary city.

President-elect Trump has stated, "cities that refuse to cooperate with federal authorities will not receive taxpayer dollars" and "we will be looking at sanctuary cities very hard." It is unclear if President-elect Trump would be successful in any attempt to block federal funding to those cities who declare themselves a sanctuary city.

Forest Grove currently receives approximately \$4 million in federal transportation and community block grant funding for the Senior Center Kitchen remodel (\$325,000), Firwood Sewer Extension and Conversion (\$240,000), and Quince/Highway 8 Intersection Improvements (\$3.6 million).

OPTIONS:

In an effort to hear from Forest Grove citizens and inform the Council's decision making process, there will be a public hearing at the January 9th City Council meeting. Following the public hearing, the City Council may 1) take no action, 2) direct staff to draft a resolution for consideration at the January 23rd City Council meeting, or, 3) consider a Councilor-drafted proclamation or resolution at the January 9th City Council meeting. Should the Council decide to consider a resolution, it has the following options:

- 1) Continue current practice of following state law and take no further action;
- 2) Continue current practice of following state law and issue a statement, either through proclamation and/or resolution, that supports an inclusive community without pursuing a sanctuary city declaration;
- 3) Continue current practice of following state law and issue a statement, either through proclamation and/or resolution, that supports an inclusive community and declare Forest Grove a sanctuary city.

ATTACHMENTS:

- 1) Letter by Mayor Pete Truax
- 2) Letter by Rep. Susan McLain
- 3) City of Cornelius Resolution
- 4) City of Corvallis Resolution
- 5) City of Hillsboro Statement of Diversity

¹ Federal law regarding this matter, 8 U.S.C. Section 1324, states: "Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual."



A place where families and businesses thrive.

PARA: Alcalde y Cencejo de la Ciudad

DE: Jesse VanderZanden, Admistrador de la Ciudad
Paul Elsner, Consejero Legal de la Ciudad

FECHA DE REUNIÓN: 9 de enero de 2017

TÍTULO DEL TEMA: Audiencia Pública para considerar la promulgación de una resolución que afirme el compromiso de la Ciudad de Forest Grove de ser una comunidad segura, abierta e inclusiva para todas las personas.

ANTECEDENTES:

En la reunión del 12 de diciembre de 2016, el Alcalde Truax presentó una carta en favor de una audiencia pública en enero sobre una designación como "ciudad santuario" para Forest Grove. El consenso del Concejo fue celebrar una audiencia pública y solicitar opiniones antes de tomar una decisión. La carta del Alcalde fue emitida a continuación del testimonio de dos ciudadanos en la reunión del Concejo de la Ciudad del 28 de noviembre y una carta de la Representante Estatal Susan McLain que alentaban la designación de "ciudad santuario".

El término "Ciudad Santuario" no tiene una definición legal. Wikipedia lo define como: "Una ciudad santuario ha adoptado una política de protección de inmigrantes indocumentados al no procesarlos solamente por violar las leyes federales de inmigración en el país en que ahora viven ilegalmente. Tal política puede establecerse expresamente en una ley (de jure) u observarse sólo en la práctica (de facto). El término se aplica generalmente a las ciudades que no utilizan fondos o recursos municipales para hacer cumplir las leyes nacionales de inmigración, y por lo general prohíben a los empleados de la policía o municipales preguntar sobre el estatus migratorio de una persona. La designación no tiene un significado legal preciso".

La Ley Estatal hace de Oregon un "estado santuario". El Estatuto Revisado de Oregon (ORS) 181A.820 estipula en parte: "Ninguna agencia de seguridad del Estado de Oregon o de ninguna subdivisión política del estado usará fondos de la agencia, equipo o personal con el propósito de detectar o aprehender a personas cuya única violación de la ley sea el ser ciudadanos extranjeros presentes en los Estados Unidos, en violación de las leyes federales de inmigración".

El Departamento de Policía de la Ciudad de Forest Grove no opera su propia cárcel, por lo tanto, no se involucra con asuntos de inmigración y deportación de residentes que estén aquí ilegalmente y que pueden haber cometido un crimen. Esas cuestiones son manejadas directamente por el Condado de Washington. El alguacil del Condado de Washington, Pat Garrett, recientemente explicó cómo el ORS 181A.820 (mencionado líneas arriba) prohíbe que las agencias de seguridad en Oregon se involucren en asuntos de inmigración.

Además, los oficiales de policía de Forest Grove no preguntan sobre el estatus legal de una persona cuando trabajan con residentes de nuestra comunidad. Los oficiales de policía de Forest Grove están comprometidos con la seguridad y protección de todos los residentes de Forest Grove y proveen un espacio seguro, donde los residentes pueden reportar asuntos relacionados con la aplicación de la ley sin temor de ser investigados sobre su estado migratorio. Una designación formal de "santuario" no cambiaría ninguna práctica actual en Forest Grove. Aunque esto puede transmitir un mensaje a los residentes de que la policía local no investigará el estatus migratorio de una

persona, no prohíbe que el Servicio de Inmigración y Control de Aduanas (ICE) aplique la ley federal en Forest Grove¹.

ESTADO ACTUAL:

Los informes varían sobre el cuántos y cuáles municipios locales en Oregon se consideran un “santuario”. Si “santuario” se define como el no entregar a detenidos a ICE sin una orden judicial, entonces 28 condados de Oregon, incluyendo el condado de Washington, serían considerados “santuarios”. Corvallis se declaró recientemente una ciudad santuario y el alcalde electo de Portland, Ted Wheeler, ha declarado que Portland seguirá siendo una ciudad santuario. El condado de Multnomah se declaró recientemente “condado santuario”. Hillsboro, Beaverton, y Cornelius recientemente aprobaron declaraciones/resoluciones que afirmaban su compromiso con todos los ciudadanos, pero no llegaron a declararse ciudad santuario.

El presidente electo Trump ha declarado: “las ciudades que se nieguen a cooperar con las autoridades federales no recibirán dólares de los contribuyentes” y “estaremos vigilando muy seriamente a las ciudades santuario”. No está claro si el presidente electo Trump sería exitoso en cualquier intento de bloquear los fondos federales a aquellas ciudades que se declaren ciudad santuario.

Forest Grove recibe actualmente, aproximadamente \$4 millones en fondos federales para el transporte y recursos en bloque para la remodelación de la cocina del Centro para Personas de la Tercera Edad (\$325,000), la extensión y conversión de alcantarillado en Firwood (\$240,000) y las mejoras de la intersección en la calle Quince y la carretera 8 (\$3.6 millones).

OPCIONES:

En un esfuerzo por escuchar a los ciudadanos de Forest Grove e informar sobre el proceso para la toma de decisiones del Concejo, habrá una audiencia pública en la reunión del 9 de enero del Concejo Municipal. Después de la audiencia pública, el Ayuntamiento puede: 1) no tomar acción, 2) instruir al personal que redacte una resolución para su consideración en la reunión del Concejo del 23 de enero, o 3) considerar una proclamación o resolución preparada por el Concejo de la Ciudad en la reunión del 9 de enero. Si el Concejo decide examinar una resolución, tiene las siguientes opciones:

- 1) Continuar la práctica actual de seguir la ley estatal y no tomar ninguna otra acción;
- 2) Continuar la práctica actual de seguir la ley estatal y emitir una declaración, ya sea a través de una proclamación o resolución, que apoye una comunidad inclusiva, sin llevar a cabo una declaración de ciudad santuario;
- 3) Continuar la práctica actual de seguir la ley estatal y emitir una declaración, ya sea a través de una proclamación o resolución, que apoye una comunidad inclusiva y declare a Forest Grove como una ciudad santuario.

ARCHIVOS ADJUNTOS:

- 1) Carta del alcalde Pete Truax
- 2) Carta de la representante Susan McLain
- 3) Resolución de la Ciudad de Cornelius
- 4) Resolución de la Ciudad de Corvallis
- 5) Declaración de Diversidad de la Ciudad de Hillsboro

¹ La ley federal sobre este asunto, 8 U.S.C. Sección 1324, declara: “No obstante cualquier otra disposición de ley federal, estatal o local, una entidad o funcionario de un gobierno federal, estatal o local no puede prohibir, o restringir de manera alguna, que ninguna entidad gubernamental u oficial envíe o reciba información del Servicio de Inmigración y Control de Aduanas relacionada con la ciudadanía o el estado migratorio, legal o ilegal, de cualquier individuo”.



RESOLUTION NO. 2017-16

RESOLUTION DECLARING THE CITY OF FOREST GROVE A SANCTUARY CITY

WHEREAS, the City of Forest Grove is committed to living its values as a welcoming city for all individuals and is a community that seeks to accept everyone, regardless of a person's race, ethnicity, place of origin or immigration status; and

WHEREAS, all people within the city need to feel safe to contact local law enforcement or city government and be able to freely access critical public safety services without fear; and

WHEREAS, the City of Forest Grove follows state law, Oregon Revised Statute 181A.820 adopted nearly 30 years ago, which states that: "No law enforcement agency of the State of Oregon or of any political subdivision of the state shall use agency 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"; and

WHEREAS, the City of Forest Grove defines "Sanctuary City" as a city that is committed to providing a safe community for individuals, regardless of race, ethnicity, place of origin, or immigration status, and works to ensure that all members of our community are safe and can call for public safety assistance without fear of reprisal based solely on federal immigration status, in accordance with current Oregon law; and

WHEREAS, the city of Forest Grove is committed to ensuring that the provision of services and benefits by the City shall not be conditioned upon a community member's federal immigration status, except as required by law;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1. The City Council declares the City of Forest Grove to be a Sanctuary City, as defined by this resolution, as a statement of unity for our community.

Section 2. This Resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 23rd day of January, 2017.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 23rd day of January, 2017.

Peter B. Truax, Mayor

CITY COUNCIL ACTION	
T. Rippe, <i>conspirator</i>	
MEETING DATE:	1/28/17
APPROVED:	_____
ACK/NOTED:	_____
DENIED:	_____
NO ACTION:	_____
OTHER:	<input checked="" type="checkbox"/>

Comments

I would like to thank all of those who have testified in person, written emails and spoken to me over the course of the past couple of weeks. It is helpful to hear from all of you.

What I have heard and learned is that the term "sanctuary" itself is deeply revered by some, especially in a spiritual context, but I also see how it has become a secularized, politicized, polarizing label that while many see as symbolizing unity has also become a divisive force in our community. I believe it has actually heightened the level of discord rather than civil discourse. In my reading of scholarly research on labelling theory in the field of sociology, the research shows that labels attach groups and members of those groups to a set of behaviors or beliefs whether or not the individuals actually behave or believe that way or chose to identify themselves with that group. Thus, labeling is often actually more harmful to the individual because the label in and of itself contributes nothing toward their particular needs and attaches a stigma that once created is virtually impossible to remove in the future. Many are wanting the city to embrace this label as symbolically joining a group to which not all our citizens subscribe and the result of which may adversely impact other vulnerable segments of our community who can no more be ignored than this particular group.

We all hold strong beliefs. I respect your concern and your beliefs. I mean no disrespect to those who testified and to those who are willing to not only listen, but hear what I am trying say.

By way of illustration of the discord around the term "sanctuary city", I would like to recount examples of previous and submitted testimony:

- A comment was made that Federal funds for a senior center kitchen remodel was not of as great a value to the community over this issue of adopting a label for the city. Such a statement is certainly not inclusive; it is denigrating to the senior citizens of this community and places life-sustaining meals at jeopardy for those who rely on such programs as Meals-on-Wheels. How does one morally place value on one group of vulnerable citizens above that of another group? Are they not all equally important to support and sustain!

- Fear is felt by many vulnerable groups for various reasons. Forest Grove has a higher percentage of people in poverty than Washington County. It has a higher percentage of senior citizens than Washington County. Why are we not declaring Forest Grove a "Senior Shelter" or a "Shelter-for-the-homeless", or a "Disabilities-friendly city"? Is it because these issues are too complicated that a label lends nothing to a solution? There are laws and programs today that deal with all these groups, yet there is still real fear and vulnerability associated with them all. A label will not make those fears go away. Only addressing the needs of the individual will alleviate some of them. And addressing those needs comes in many forms ... yes, even Federal funds. With the budgetary shortfalls at the state level announced by Gov. Brown's office recently, the availability of fiscal resources to take care of all our citizens is even more imperative.

- It was further stated that the City Council needed to adopt the term "sanctuary city" to re-establish trust with its Latino community. Yet I nor anyone on this Council have done anything that I am aware of to break that trust in the first place. The broken trust and fear emanate from an election cycle at the national level. To assert that this trust can only be restored by agreement with a particular position at the local level is again divisive; particularly since the solution falls far beyond the

jurisdictional authority of this entity. The City Attorney has testified that such a designation adds nothing to the laws that are already on the books and which provide the basis of law enforcement policy for this City and its employees.

- An assertion was made that courage was needed to affirm this status on our city and implied that not to affirm it would be cowardly. To portray agreement with one view as courageous and not agreeing to it as cowardly is inflammatory and divisive. In my experience soldiers on both sides of a conflict display courage. People on both sides of an issue display courage to state their view. Whether or not you agree with their view does not mean they lack courage. It does take a measure of courage to stand up for what one believes in, however in my opinion, it takes a greater measure of courage to stand up for and defend the rights of those with whom you don't agree with. To shut out or shut down opposing viewpoints through labeling, derogatory innuendo is wrong and certainly not respectful of our freedom of speech. This kind of rhetoric when carried too far or used derisively, is only another form of bullying and intimidation. President Obama in his farewell address, Bernice King in her comments on Martin Luther King, Jr. Day and other notables in the past two weeks have all called for the divisive rhetoric to stop and for our hearts to embrace dignity and respect for each other.

- I promise you on my honor and the oath I took just two months ago, that I will support and defend if necessary our residents in accordance with Federal and State laws. I gave the same oath at age 18 and committed myself, up to and including the forfeiture of my life, to defend the rights of our people including to express their opinions. Those opinions were not always expressed with respect and dignity. I have been spat upon and vilified simply for wearing the uniform of my country. In 26 years of military service, the worst treatment I received while in uniform was not from foreigners, but from the citizens in my own country. I was not asked whether or not I agreed with their views, but I was expected to defend their right to have them. To say that I or any Councilor does not have courage unless we agree with designating Forest Grove a "sanctuary city" is misguided and inflammatory rhetoric that attempts to intimidate based on shame; a bullying tactic that I stand firmly against. Not even being a citizen of this country and wearing it's uniform in service protected me and my comrades from the base, vial and hateful treatment from our own fellow citizens. And I count among my comrades several men and women of color. What makes one think that a label will do any better at protecting a vulnerable segment of our community? Our laws are intended to do that and we are a society based on the rule of law.

- Were a decision made not to designate Forest Grove as a "sanctuary city", it does not alter my commitment to making this an inclusive community ... for all. A label should have no bearing on whether or not you trust me or any one of us on City Council or within the City Staff. I have a deep and abiding respect for all of our community. We all do. I would rather **demonstrate** my affirmation of an inclusive and safe community with **actions** based on dignity, respect and love ... not polarizing labels. Words do matter; divisive words hurt ... inclusive words express compassion, concern and respect. Here are a few actions I am willing to take right now to demonstrate my commitment:

1) I am willing to be a volunteer with the Forest Grove School District to escort any child or group of children walking to or from school to ensure they are not confronted by those who may taunt them with racial or unwelcoming slurs. As a school volunteer, I am also willing to meet with any school class or club to begin a civil discourse about diversity.

2) I am willing to meet with any civic club or any church congregation to begin a discourse about their fears, their needs and possible solutions.

3) I am willing to write our national representatives a strong letter affirming our city's commitment to being an inclusive community, but also calling to an end of the rhetoric emanating from that body politic that is inflammatory, denigrating and divisive. They need to set the example. There is a delegation of city officials and students going to Washington, D.C. in March that should carry the same message to these representatives in person.

Those who have immigrated to this country have already demonstrated a level of courage by leaving behind their homes of origin and in most cases family members. They have come to this country for a myriad of reasons; escaping physical danger or political or economic oppression are just a few. I also would be fearful of being returned to such conditions. The level and impact of fear was eloquently expressed in our last meeting. I and most I've talked to were moved. I too pray we do not repeat the mistakes of past history with injustices that target specific groups. I stand vigilant and resolute to ensure it doesn't happen. I also pray that those who arrive in this country come with respect for the laws of this country and not bring prejudice and crime. Those behaviors also generate fear in many of our people. Fear that won't be mitigated by a label, but rather by the peaceful actions of all in pursuit of safe communities.

I believe it is the very same courage that was demonstrated by our great grandparents, grandparents, parents or siblings that brought them to this country that is needed now; that courage is in our DNA. It is the same courage used to start a new life in a new home that is needed for not giving into fear, not giving into bullying, not giving in to labeling, not giving into profiling, but rather embracing each other in this community with dignity, compassion, respect and love. I don't believe the label "sanctuary city" achieves that. It is what is in your hearts that makes the difference! It is how we treat our neighbors! Communication, cooperation, compassion and care are all possible right here in Forest Grove without labels. It is this behavior and courage that has forged this country through other trials.

I acknowledge that not all communication received by me on this issue was disrespectful or necessarily divisive. I deeply respect your willingness to share your views and concerns with me. As one of your elected officials it is my responsibility to look out for all our vulnerable citizens with prejudice toward none.

Regardless of the outcome of the pending vote, whether or not there is a label attached to this city makes absolutely no difference unless our hearts reflect compassion, respect and dignity for all. I am personally committed to demonstrating these attributes in my own life and through interaction with all my neighbors. My wife and I raised our children to be inclusive and respect diversity. I call on all parents, teachers and community leaders to be the role models for our children by not subscribing or submitting to labels of any kind. Will we leave here tonight and have our actions demonstrate our beliefs? Or will we perpetuate divisiveness with inflammatory rhetoric? I stand against the rhetoric and I stand for the rights of all our citizens and residents! Yet I am but one person and the real solution requires a personal commitment from all corners of this community.

Thank you for listening.



A place where families and businesses thrive.

<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	6
MEETING DATE:	1/09/17
FINAL ACTION:	NO ACTION TAKEN

TO: Mayor and City Council

FROM: Jesse VanderZanden, City Manager
Paul Elsner, City Attorney

MEETING DATE: January 9, 2017

SUBJECT TITLE: Public Hearing to consider whether to enact a resolution affirming the City of Forest Grove's commitment to a safe, open, and inclusive community for all people.

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CURRENT STATUS:

Reports vary on how many and what local municipalities in Oregon are considered a "sanctuary". If "sanctuary" is defined as not honoring ICE detainers without a court order, then up to 28 Oregon counties, including Washington County, would be considered "sanctuaries". Corvallis recently declared itself a sanctuary city and Portland Mayor-elect Ted Wheeler has stated Portland will remain a sanctuary city. Multnomah County recently declared itself a "sanctuary county." Hillsboro, Beaverton, and Cornelius recently passed statements/resolutions affirming their commitment to all citizens but stopped short of declaring themselves a sanctuary city.

President-elect Trump has stated, "cities that refuse to cooperate with federal authorities will not receive taxpayer dollars" and "we will be looking at sanctuary cities very hard." It is unclear if President-elect Trump would be successful in any attempt to block federal funding to those cities who declare themselves a sanctuary city.

Forest Grove currently receives approximately \$4 million in federal transportation and community block grant funding for the Senior Center Kitchen remodel (\$325,000), Firwood Sewer Extension and Conversion (\$240,000), and Quince/Highway 8 Intersection Improvements (\$3.6 million).

OPTIONS:

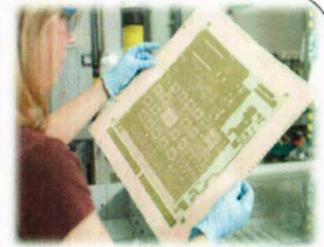
In an effort to hear from Forest Grove citizens and inform the Council's decision making process, there will be a public hearing at the January 9th City Council meeting. Following the public hearing, the City Council may 1) take no action, 2) direct staff to draft a resolution for consideration at the January 23rd City Council meeting, or, 3) consider a Councilor-drafted proclamation or resolution at the January 9th City Council meeting. Should the Council decide to consider a resolution, it has the following options:

- 1) Continue current practice of following state law and take no further action;
- 2) Continue current practice of following state law and issue a statement, either through proclamation and/or resolution, that supports an inclusive community without pursuing a sanctuary city declaration;
- 3) Continue current practice of following state law and issue a statement, either through proclamation and/or resolution, that supports an inclusive community and declare Forest Grove a sanctuary city.

ATTACHMENTS:

- 1) Letter by Mayor Pete Truax
- 2) Letter by Rep. Susan McLain
- 3) City of Cornelius Resolution
- 4) City of Corvallis Resolution
- 5) City of Hillsboro Statement of Diversity

¹ Federal law regarding this matter, 8 U.S.C. Section 1324, states: "Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual."



“Sanctuary City”

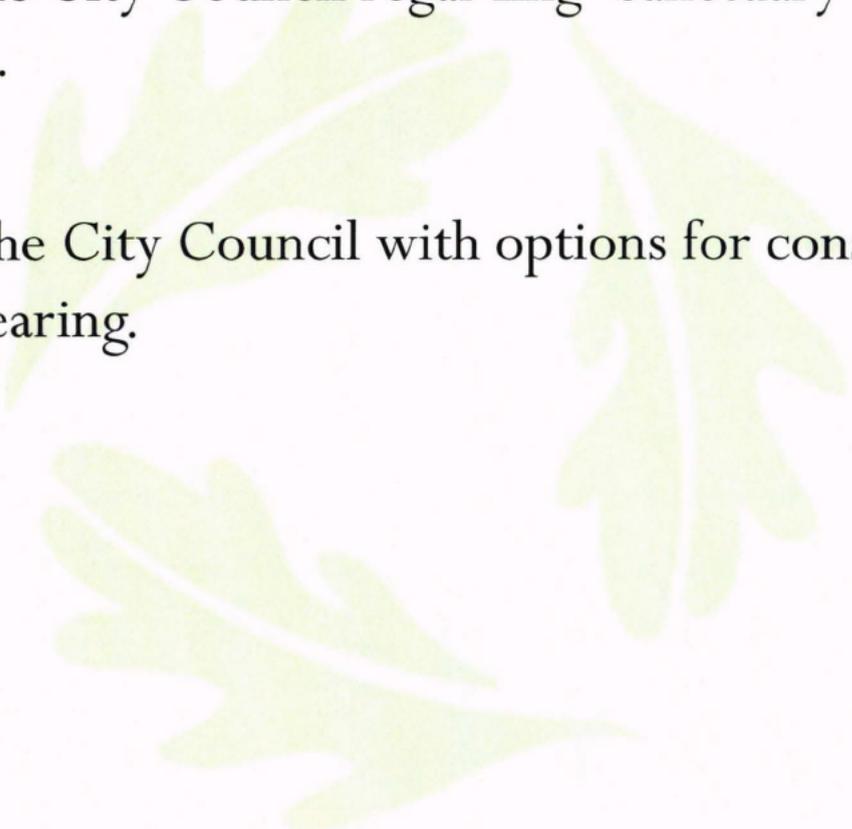
Background and Current Status Report

Paul Elsner, City Attorney

January 9, 2016 City Council Meeting

A place where families and businesses thrive.

PURPOSE AND INTENT

- To inform the City Council regarding “Sanctuary City” designations.
 - To provide the City Council with options for consideration after the public hearing.
- 

BACKGROUND

- At the December 12th, 2016 City Council meeting, Mayor Truax introduced a letter favoring a public hearing in January regarding a “sanctuary city” designation for Forest Grove. The consensus of the Council was to hold a public hearing and solicit input prior to making a decision.
- The Mayor’s letter followed testimony from two citizens at the November 28th City Council meeting and a letter from State Representative Susan McLain encouraging a “sanctuary city” designation for Forest Grove.

BACKGROUND

- The term “Sanctuary City” does not have a legal definition. A common definition is: “A sanctuary city has adopted a policy of protecting undocumented immigrants by not prosecuting them solely for violating federal immigration laws in the country they are now living illegally. Such a policy can be set out expressly in a law (de jure) or observed only in practice (de facto). The term applies generally to cities that do not use municipal funds or resources to enforce national immigration laws, and usually forbid police or municipal employees to inquire about a person’s immigration status. The designation has no precise legal meaning.”

BACKGROUND

- State law essentially makes Oregon a “sanctuary state.” Oregon Revised Statute (ORS) 181A.820 states: “No law enforcement agency of the State of Oregon or of any political subdivision of the state shall use agency 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.”

BACKGROUND

- The Forest Grove Police Department does not operate its own jail, therefore, does not get involved with immigration and deportation issues of residents that are here illegally. Those issues are handled directly by Washington County. Washington County Sheriff Pat Garrett recently explained how ORS 181A.820 prohibits law enforcement agencies in Oregon from becoming involved with immigration issues.
- Additionally, Forest Grove police officers do not inquire about a person's legal status when working with residents in our community. Forest Grove police officers are committed to the safety and protection of all Forest Grove residents and provide a safe space in which residents can report law enforcement events without fear of inquiry into their immigration status.

BACKGROUND

- A formal “sanctuary” designation for Forest Grove would not change any current police practices in Forest Grove.
- While a “sanctuary” designation may convey a message that local law enforcement will not inquire about a person’s immigration status, it does not prohibit Immigration Control and Enforcement (ICE) from enforcing federal law in Forest Grove.

CURRENT STATUS

- Reports vary on how many and what local municipalities in Oregon are considered a “sanctuary”. If “sanctuary” is defined as not conducting ICE detainers without a court order, then up to 28 Oregon counties, including Washington County, would be considered a “sanctuary”.
- Corvallis recently declared itself a sanctuary city. Mayor-elect Wheeler has affirmed Portland will remain one. Multnomah County declared itself a sanctuary county.
- Hillsboro, Beaverton and Cornelius recently passed statements/resolutions affirming their commitment to inclusion and diversity but did not declare themselves a sanctuary city.

CURRENT STATUS

- President-elect Trump has stated, “cities that refuse to cooperate with federal authorities will not receive taxpayer dollars.” It is unclear if the President-elect would be successful in any attempt to block federal funding.
- Forest Grove currently receives approximately \$4 million in federal transportation and community block grant funding:
 - Senior Center Kitchen remodel (\$325,000)
 - Firwood Sewer Extension and Conversion (\$240,000)
 - Quince/Highway 8 Intersection Improvements (\$3.6 million).

OPTIONS

Following the public hearing the City Council may:

- 1) take no action
- 2) direct staff to draft a resolution for consideration at the January 23rd City Council meeting, or
- 3) pass a Councilor-drafted proclamation or resolution tonight. Generally, the City Council has the following options:

Policy options include:

- 1) continue current practice of following state law and take no further action;
- 2) Continue current practice of following state law and issue a proclamation and/or resolution that supports an inclusive community without pursuing a sanctuary city declaration;
- 3) Continue current practice of following state law and issue a proclamation or resolution that supports an inclusive community by declaring Forest Grove a sanctuary city.

11 December 2016

To: Forest Grove City Council

Fr: Mayor Truax

Re: Sanctuary Cities

During our last meeting on November 28, we had two members of the audience present comments urging us to consider a "Sanctuary City" designation for Forest Grove. As you know, such a designation would support residents of our community from having to prove they are legal residents of the city, state and country.

The issue has been discussed in other areas, in other cities in Oregon. For example, the City of Portland's Mayor-Elect, Ted Wheeler, has indicated that he supports such a move by that city. In Washington County, Hillsboro has been urged to adopt a similar declaration, and it is my understanding that Beaverton will also discuss the possibility. Washington County Sheriff Pat Garrett has announced that his office will enforce Oregon Law which prohibits local law enforcement from engaging in such practice, even at the request of the Immigration Service.

There is a reason for this law. If we are to provide an environment where people will feel free to ask for assistance from local law enforcement agencies, then that agency should not be involved in an attitude of checking on whether an individual is in this country in an undocumented or documented status.

Oregon is already a "Sanctuary State" by virtue of the law it passed which Sheriff Garrett refers to.

There are some choices we have as a City Council.

1. We can do nothing and let the flow of state law direct our behavior;
2. We can issue a proclamation that supports all our residents and supports our community diversity, but does not include the Sanctuary City designation (similar to the move taken recently by the City of Cornelius), or;
3. We can issue such a proclamation that includes all of number 2, plus declaring Forest Grove as a Sanctuary City.

I would support a discussion on such a resolution which we would have to write, since it is political issue, and we can't ask staff to work on such projects. As part of that discussion, I would favor holding a public hearing to get public input. I would think that doing this in a timely fashion would mean that we would be doing this in January.

Thank you for your time and feel free to give any thoughts on this.

Pete Truax
Mayor, City of Forest Grove



A place where families and businesses thrive.

NOTICE OF PUBLIC HEARING FOR THE CITY OF FOREST GROVE

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will holding a Public Hearing **Monday, January 9, 2017, at 7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove, to consider whether to enact a resolution affirming the City of Forest Grove's commitment to a safe, open and friendly community for all people regardless of immigration status. The purpose of the hearing is to broaden discussions and take public input, preliminary to any Council action.

This hearing is open to the public and interested parties are encouraged to attend. Written comments or testimony may be submitted at the hearing, e-mailed to aruggles@forestgrove-or.gov, or sent to the attention of the City Recorder's Office, P.O. Box 326, 1924 Council Street, Forest Grove, OR 97116, prior to the hearing. For further information, please contact Anna Ruggles, City Recorder, at 503.992.3235, or via e-mail aruggles@forestgrove-or.gov.

AVISO DE AUDIENCIA PÚBLICA PARA LA CIUDAD DE FOREST GROVE

POR MEDIO DE LA PRESENTE SE INFORMA que el Concejo Municipal de Forest Grove llevará a cabo una audiencia pública el día **lunes 9 de enero de 2017, a las 7:00 p.m.** o de aquí en adelante, en el Auditorio Comunitario del 1915 Main Street, en Forest Grove, para considerar la promulgación de una resolución que afirme el compromiso de la Ciudad de Forest Grove de ser una comunidad segura, abierta e inclusiva para todas las personas, independientemente de su situación migratoria. El propósito de la audiencia es ampliar el debate y escuchar los comentarios del público antes de que el Concejo tome cualquier acción.

Esta audiencia está abierta al público y se anima a las partes interesadas a asistir. Los comentarios o testimonios por escrito pueden ser presentados en la audiencia, enviados por correo electrónico a aruggles@forestgrove-or.gov, o enviados a la atención de la Oficina del Registro de la Ciudad (*City Recorder's Office*), P.O. Box 326, 1924 Council Street, Forest Grove, OR 97116, antes de la audiencia. Para más información, comuníquese con Anna Ruggles, encargada del Registro de la Ciudad, al 503.992.3235, o por e-mail aruggles@forestgrove-or.gov.

###

Anna D. Ruggles, CMC, City Recorder
City of Forest Grove



6605 S.E. Lake Road, Portland, OR 97222
 PO Box 22109 • Portland, OR 97269-2109
 Phone: 503-684-0360 Fax: 503-620-3433
 E-mail: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of the *Forest Grove News-Times*, a newspaper of general circulation, published at Forest Grove, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

City of Forest Grove
Notice of Public Hearing - Inclusive
 Community
FGNT77742

a copy of which is hereto attached, was published in the entire issues of said newspaper for

2
 Successive and consecutive weeks in the following issues:

December 28, 2016
January 4, 2016

Charlotte Allsop

Charlotte Allsop, Accounting Manager

Subscribed and sworn to before me this January 4, 2016.

Shawn M Sroufe

NOTARY PUBLIC FOR OREGON

Acct #298024
 PO #: 20165070
Attn: Anna Ruggles
 City of Forest Grove
 PO Box 326
 Forest Grove, OR 97116
 Size: 2 x 3.06
 Amount Due: **\$116.82***
 *Please remit to the above address.



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 Publish 12/28, 01/04/2016. FGNT1587742

Date: JANUARY 9, 2017

Agenda Item: 6.

Subject: PUBLIC HEARING TO CONSIDER WHETHER TO ENACT A RESOLUTION AFFIRMING THE CITY OF FOREST GROVE'S COMMITMENT TO A SAFE, OPEN, AND INCLUSIVE COMMUNITY FOR ALL PEOPLE

CITY COUNCIL MEETING

Request to Testify at Public Hearing

Public Hearings – Public hearings are held on each matter required by state law or City policy. Anyone wishing to testify should sign-in for the Public Hearing prior to the meeting. The Mayor or presiding officer will review the complete hearing instructions prior to testimony. The Mayor or presiding officer will call the individual or group by the name given on the sign-in form. When addressing the Mayor and Council, please move to the witness table (center front of the room). Each person should speak clearly into the microphone and must state their first and last name and provided a mailing address for the record. All testimony is electronically recorded. In the interest of time, Public Hearing testimony is limited to three minutes unless the Mayor or presiding officer grants an extension. Written or oral testimony is heard prior to any Council action.

Please sign-in below to testify.

PROPONENTS: (Please print legibly)

First & Last Name:

- ✓ SURJ Forest Grove Chapter - ^{Brenda} ^{200K} ^{Friesen}
- ✓ Jayne Cravens
- ✓ Edgar Sanchez
- ✓ Bridget Cooke
- ✓ ~~Debra~~ Brad Reed

Address: [REDACTED] City, State & Zip Code:

Forest Grove, OR 97116

[REDACTED] Forest Grove 97116

Ave # [REDACTED]

Forest Grove

Forest Grove

OPPONENTS: (Please print legibly)

First & Last Name:

✓ JAMES CARO

Address: City, State & Zip Code:

FOREST GROVE, OR 97116

OTHERS: (Please print legibly)

First & Last Name:

Address: City, State & Zip Code:

Date: JANUARY 9, 2017

Agenda Item: 6.

Subject: PUBLIC HEARING TO CONSIDER WHETHER TO ENACT A RESOLUTION AFFIRMING THE CITY OF FOREST GROVE'S COMMITMENT TO A SAFE, OPEN, AND INCLUSIVE COMMUNITY FOR ALL PEOPLE

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Please sign-in below to testify.

PROPONENTS: (Please print legibly)

First & Last Name:

Address:

City, State & Zip Code:

- ✓ Isabel Lechuga (sounds like E-SHELL)
- ✓ Dawn Donneysmith
- ✓ Jose Sanchez
- ✓ David Smith
- ✓ Garrett Brown



Dr. FG, OR 97110
on way
U. Translator
on way
College Way Forest Grove
OR 97106

OPPONENTS: (Please print legibly)

First & Last Name:

Address:

City, State & Zip Code:

OTHERS: (Please print legibly)

First & Last Name:

Address:

City, State & Zip Code:

- Mark Stone
- Frank Wenzel

_____ FG

Date: JANUARY 9, 2017

Agenda Item: 6.

Subject: PUBLIC HEARING TO CONSIDER WHETHER TO ENACT A RESOLUTION AFFIRMING THE CITY OF FOREST GROVE'S COMMITMENT TO A SAFE, OPEN, AND INCLUSIVE COMMUNITY FOR ALL PEOPLE

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Please sign-in below to testify.

PROPOSERS: (Please print legibly)

First & Last Name:

✓ Megan Estough
✓ Victoria Lowe
✓ Linda Taylor
~~Paul Paul~~
Arturo Villaseca
Elvree Baragan

Address:

[Redacted]

City, State & Zip Code:

Forest Grove OR 97116
4 Plc FG 97116
Hatcher, FG 97116
Forest Grove 97116

OPPOSERS: (Please print legibly)

First & Last Name:

✓ Sharon Corzish

Address:

[Redacted]

City, State & Zip Code:

97123

OTHERS: (Please print legibly)

First & Last Name:

Address:

City, State & Zip Code: