

From: MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@cob.org on behalf of "Stone, Hannah E." <hestone@cob.org>
Sent: Fri, 29 Dec 2023 08:20:15 +0000
To: Marriner, Alan A.; Keller, Janice L.
Cc: Lassiter, Jackie A.; Lilliquist, Michael W.
Subject: Re: Draft Emergency Ordinance - PRIVILEGED AND CONFIDENTIAL
Attachments: Re: Draft Emergency Ordinance - PRIVILEGED AND CONFIDENTIAL

Sender: hestone@cob.org
Subject: Re: Draft Emergency Ordinance - PRIVILEGED AND CONFIDENTIAL
Message-Id: <CO6PR09MB8213DDCC3E831CF135506234AE9DA@CO6PR09MB8213.namprd09.prod.outlook.com>
To: amarriner@cob.org
To: jkeller@cob.org
Cc: jalassiter@cob.org
Cc: mlilliquist@cob.org

From: Stone, Hannah E.
Sent: Fri, 29 Dec 2023 08:19:33 +0000
To: Marriner, Alan A.; Keller, Janice L.
Cc: Lassiter, Jackie A.; Lilliquist, Michael W.
Subject: Re: Draft Emergency Ordinance - PRIVILEGED AND CONFIDENTIAL
Attachments: HS addl edits JK addl edits_Ordinance Suspending IAB Meetings HS JK and AM Edits 12-28-23.docx, Draft Ordinance Suspending IAB Meetings 12-29-23.docx

Good evening,

Attached is a copy of the draft ordinance with track changes visible and a draft with all proposed changes accepted (for easier viewing).

I will review these drafts again in the morning before my 9:00AM meeting with IAB members. In the interim, please feel free to follow up with me if you have any questions or additional changes prior to publication tomorrow (Friday) afternoon.

Thank you!

Best regards,
Hannah

- - -

Hannah E. Stone
Mayor Pro Tempore
Bellingham City Council
Ward 1 Representative

City Hall
210 Lottie St.
Bellingham, WA 98225
Phone: (360) 778-8211
Email: HESStone@cob.org
Pronouns: She / Her / Hers

Please note that all correspondence sent to Council members and all City employees are public records, subject to public disclosure requirements under state law (Public Records Act, RCW 42.56).

From: Marriner, Alan A. <amarriner@cob.org>
Sent: Thursday, December 28, 2023 5:12 PM
To: Keller, Janice L. <jkeller@cob.org>; Stone, Hannah E. <hestone@cob.org>
Cc: Lassiter, Jackie A. <jalassiter@cob.org>; Lilliquist, Michael W. <mlilliquist@cob.org>
Subject: RE: Draft Emergency Ordinance - PRIVILEGED AND CONFIDENTIAL

RCW 42.56.290

Happy New Year Everyone!

Alan

Alan A. Marriner
City Attorney
Office of the City Attorney
City of Bellingham
210 Lottie Street
Bellingham, WA 98225
(360)778-8270 (phone)
(360)778-8271 (fax)
amarriner@cob.org

Subject to public disclosure requirements per RCW 42.56, the preceding message may be protected by attorney-client or other privilege and should be treated as confidential. If you believe that it has been sent to you in error, please delete it. Thank you.

From: Keller, Janice L. <jkeller@cob.org>
Sent: Thursday, December 28, 2023 4:57 PM
To: Marriner, Alan A. <amarriner@cob.org>; Stone, Hannah E. <hestone@cob.org>
Cc: Lassiter, Jackie A. <jalassiter@cob.org>; Lilliquist, Michael W. <mlilliquist@cob.org>
Subject: RE: Draft Emergency Ordinance - PRIVILEGED AND CONFIDENTIAL

RCW 42.56.290

Janice Keller

(she/her/hers)

Interim Deputy Administrator/Communications Director

City of Bellingham

jkeller@cob.org or (360) 778-8100

My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56

Sign up at [Engage Bellingham](#), our online venue for public feedback about key projects.



From: Marriner, Alan A. <amarriner@cob.org>
Sent: Thursday, December 28, 2023 4:22 PM
To: Stone, Hannah E. <hestone@cob.org>; Keller, Janice L. <jkeller@cob.org>

Cc: Lassiter, Jackie A. <jalassiter@cob.org>; Lilliquist, Michael W. <mlilliquist@cob.org>
Subject: RE: Draft Emergency Ordinance - PRIVILEGED AND CONFIDENTIAL

Hannah:

RCW 42.56.290

I will be out of the office tomorrow, but I can be reached on my cell.

Thanks,

Alan

Alan A. Marriner
City Attorney
Office of the City Attorney
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210 Lottie Street
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(360)778-8270 (phone)
(360)778-8271 (fax)
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From: Stone, Hannah E. <hestone@cob.org>
Sent: Thursday, December 28, 2023 12:19 PM
To: Keller, Janice L. <jkeller@cob.org>; Marriner, Alan A. <amarriner@cob.org>
Cc: Lassiter, Jackie A. <jalassiter@cob.org>
Subject: Re: Draft Emergency Ordinance - PRIVILEGED AND CONFIDENTIAL

Thank you for your time on this matter.

Attached to this email are drafts of a proposed Agenda Bill and related Ordinance.

Best regards,
Hannah

Hannah E. Stone
Mayor Pro Tempore
Bellingham City Council

Ward 1 Representative

City Hall
210 Lottie St.
Bellingham, WA 98225
Phone: (360) 778-8211
Email: HEStone@cob.org
Pronouns: She / Her / Hers

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From: Keller, Janice L. <jkeller@cob.org>
Sent: Thursday, December 28, 2023 11:17 AM
To: Marriner, Alan A. <amarriner@cob.org>
Cc: Stone, Hannah E. <hestone@cob.org>; Lassiter, Jackie A. <jalassiter@cob.org>
Subject: RE: Draft Emergency Ordinance - PRIVILEGED AND CONFIDENTIAL

Per our conversation. As I described, is very rough.

Janice Keller
(she/her/hers)

Interim Deputy Administrator/Communications Director
City of Bellingham
jkeller@cob.org or (360) 778-8100
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Sign up at [Engage Bellingham](#), our online venue for public feedback about key projects.



From: Marriner, Alan A. <amarriner@cob.org>
Sent: Thursday, December 7, 2023 3:56 PM
To: Keller, Janice L. <jkeller@cob.org>
Subject: Draft Emergency Ordinance - PRIVILEGED AND CONFIDENTIAL

Here is the draft emergency ordinance. Please add the WHEREAS clauses and email back to me. After I see your WHEREAS clauses, I will beef up the body of the ordinance as appropriate.

If you have any questions, please let me know.

Alan

Alan A. Marriner

City Attorney
Office of the City Attorney
City of Bellingham
210 Lottie Street
Bellingham, WA 98225
(360)778-8270 (phone)
(360)778-8271 (fax)
amarriner@cob.org

Subject to public disclosure requirements per RCW 42.56, the preceding message may be protected by attorney-client or other privilege and should be treated as confidential. If you believe that it has been sent to you in error, please delete it. Thank you.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, SUSPENDING ALL FUTURE MEETINGS OF THE IMMIGRATION ADVISORY BOARD AND ITS SUBCOMMITTEES UNTIL CITY COUNCIL ADOPTS AN ORDINANCE RESCINDING THE SUSPENSION.

WHEREAS, the Charter of the City of Bellingham, Article VII, Section 701 (the Charter) states: “The Council may, by ordinance, establish advisory boards with such functions and number of members as it may determine.”; and

WHEREAS, the Charter also states: “Unless otherwise provided in this Charter, or by state law, all boards, commissions, committees or other such bodies (herein referred to as “Boards”) shall be advisory only, and shall be for the purpose of assisting the Mayor or Council in the performance of their duties.”; and

WHEREAS, pursuant to the Charter, the City of Bellingham adopted Ordinance No. 2019-11-033, which established the Immigration Advisory Board (IAB) and codified the rules for the IAB in Bellingham Municipal Code (BMC) Chapter 2.26; and

WHEREAS, the City of Bellingham adopted Ordinance No. 2021-03-009, which made changes to the composition of the IAB to include alternate members and to allow non-City residents to become members; and

WHEREAS, the IAB is required to comply with the State Public Records and Open Public Meetings Acts; and

WHEREAS, IAB board members are required by City policy and State law to participate in periodic training on the Public Records and Open Public Meetings Acts. An attempt to provide this training to the IAB in December 2022 was unsuccessful; and

WHEREAS, since its creation in 2019, the IAB has not functioned as other City advisory boards and commissions, which assist the Mayor and City Council in the performance of their duties by providing advice, information, insights, and recommendations; and

WHEREAS, the IAB has sought~~seeks~~ a co-governance model of advocacy ~~on behalf of immigrants~~ which is inconsistent with the City’s Charter and BMC Chapter 2.26; and

~~**WHEREAS**, the IAB is not an independent advocacy group, but rather an advisory board of the City formed for the purpose of advising the Mayor and City Council; and~~

WHEREAS, although the Charter holds that members of boards shall be appointed and removed by the Mayor, the IAB has sought an ~~active~~ lead role in the review and selection of Board Members; and

WHEREAS, the IAB has ~~not adopted~~ By-Laws to govern its meetings and procedures, and ~~the board~~ actively includes non-board members in its meetings and decision-making process; and

WHEREAS, the IAB has created multiple subcommittees, including the Federal Contacts Data Subcommittee, Immigrant Resource Center Subcommittee, Outreach Subcommittee, and Process Subcommittee, which meet without City staff; and

WHEREAS, IAB Members who establish the meeting agendas have resisted allowing some City presentations to come forward, limiting the City's ability to provide comprehensive information and answer questions posed by IAB Members on topics such as City law enforcement operations and affordable housing initiatives; and

WHEREAS, the IAB has sought to lead outward engagement efforts with the immigrant community throughout Whatcom County and the region, not just within the city limits of Bellingham; and

WHEREAS, the IAB lacks any autonomy independent of the City; however, IAB Members have visited government facilities outside the City, presenting themselves as representatives of the City of Bellingham without City authorization or adequate public notice; and

WHEREAS, the City does not typically provide direct service to individual residents and instead utilizes interlocal agreements, public private partnerships, and community contracts to provide services; and

WHEREAS, the level of conflict at IAB meetings has been high and frequent enough that key City staff will no longer attend ~~the~~ meetings, and volunteers and potential government, non-profit and community partners decline joint projects and activities with the IAB; and

~~**WHEREAS**, the IAB has multiple subcommittees, including the Federal Contacts Data Subcommittee, the Immigrant Resource Center Subcommittee, the Outreach Subcommittee, and the Process Subcommittee, which meet without City staff; and~~

WHEREAS, the number and scope of requests and expectations ~~generated by~~ ~~from~~ the IAB exceed ~~the~~ City financial resources and staff capacity currently allocated to support the IAB ~~meet these requests and expectations~~; and

WHEREAS, the City's advisory boards and commissions do not have budget authority; however, the IAB has sought ~~seeks~~ City financial support to host an annual retreat and to develop and implement an annual workplan ~~for 2024~~; and

~~WHEREAS, the City has not budgeted the resources to support an independent workplan; and~~

~~WHEREAS, the IAB seeks to lead outward engagement efforts with the immigrant community throughout Whatcom County, not just within the city limits ; and~~

~~WHEREAS, the City does not typically provide direct service to individual residents and instead utilizes interlocal agreements, public private partnerships, and community contracts to provide services; and~~

~~WHEREAS, the IAB is required to comply with the State Public Records and Open Public Meetings Acts; and~~

~~WHEREAS, IAB board members are required by City policy and State law to participate in periodic training on the Public Records and Open Public Meetings Acts. An attempt to provide this training to the IAB in December 2022 was unsuccessful; and~~

~~WHEREAS, IAB Members who establish the Board meeting agendas have resisted allowing some City presentations to come forward, limiting the City's ability to comprehensively provide information and answer questions posed by IAB Members on topics such as City law enforcement operations and affordable housing initiatives; and~~

WHEREAS, the City is investing approximately \$100,000 annually in the Whatcom Racial Equity Commission, ~~an effective process and group that has~~which will have some overlap with the work of the IAB; and

WHEREAS, ~~the City administration at the time when~~ the IAB was created ~~the City administration~~ expressed reservations about the purpose, operations, resources required, and other aspects of establishing the IAB, ~~and there~~ concerns ~~that~~ were not adequately addressed at the time nor have ~~the concerns~~ been fully addressed ~~subsequently to date~~; and

~~WHEREAS, the IAB lacks any autonomy independent of the City; however, IAB Members have visited government facilities outside the City, presenting themselves as representatives of the City of Bellingham without City authorization or adequate public notice; and~~

WHEREAS, the IAB has required more resources and staff time than anticipated, requiring a pause in IAB meetings to evaluate the City's purpose, goals, and objectives for maintaining this advisory board, and the level of City resources ~~available~~needed to achieve them.;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Findings of Fact. ~~The~~ City Council adopts the above “WHEREAS” recitals as findings of fact in support of its action.

Section 2. Suspension of Meetings. City Council suspends all future meetings of the Immigration Advisory Board and its sub-committees until City Council adopts an ordinance rescinding the suspension. City staff and Immigration Advisory Board Members are directed to not attend any currently scheduled meetings or meetings that may be scheduled in the future prior to City Council adopting an ordinance rescinding the suspension. The terms of office of the current Immigration Advisory Board Members will continue to run during the suspension.

Section 3. Purpose. The purpose of this suspension is to allow the City Council and the City administration adequate time to determine what steps, if any, are necessary to ensure the Immigration Advisory Board functions as intended by Bellingham Municipal Code (BMC) Chapter 2.26.

Section 4. Conflict with Other BMC Provisions. If the provisions of this ordinance are found to be inconsistent with other provisions of the Bellingham Municipal Code, this ordinance shall control.

Section 5. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

PASSED by the Council this _____ day of _____, 2024.

Council President

APPROVED by me this _____ day of _____, 2024.

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published:

ORDINANCE NO. _____

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WHEREAS, IAB board members are required by City policy and State law to participate in periodic training on the Public Records and Open Public Meetings Acts. An attempt to provide this training to the IAB in December 2022 was unsuccessful; and **WHEREAS**, since its creation in 2019, the IAB has not functioned as other City advisory boards and commissions, which assist the Mayor and City Council in the performance of their duties by providing advice, information, insights, and recommendations; and

WHEREAS, the IAB has sought a co-governance model of advocacy which is inconsistent with the City’s Charter and BMC Chapter 2.26; and

WHEREAS, although the Charter holds that members of boards shall be appointed and removed by the Mayor, the IAB has sought a lead role in the review and selection of Board Members; and

WHEREAS, the IAB has no By-Laws to govern its meetings and procedures, and the board actively includes non-board members in its meetings and decision-making process; and

WHEREAS, the IAB has created multiple subcommittees, including the Federal Contacts Data Subcommittee, Immigrant Resource Center Subcommittee, Outreach Subcommittee, and Process Subcommittee, which meet without City staff; and

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WHEREAS, the City's advisory boards and commissions do not have budget authority; however, the IAB has sought City financial support to host an annual retreat and to develop and implement an annual workplan; and

WHEREAS, the City is investing approximately \$100,000 annually in the Whatcom Racial Equity Commission, which will have some overlap with the work of the IAB; and

WHEREAS, when the IAB was created the City administration expressed reservations about the purpose, operations, resources required, and other aspects of establishing the IAB, and the concerns were not adequately addressed at the time nor have the concerns been fully addressed to date; and

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PASSED by the Council this _____ day of _____, 2024.

Council President

APPROVED by me this _____ day of _____, 2024.

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published:

Redaction Log

Total Number of Redactions in Document: 3

Redaction Reasons by Page

Page	Reason	Description	Occurrences
3	RCW 42.56.290	Records that are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts are exempt from disclosure under this chapter.	2
4	RCW 42.56.290	Records that are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts are exempt from disclosure under this chapter.	1

Redaction Log

Redaction Reasons by Exemption

Reason	Description	Pages (Count)
RCW 42.56.290	Records that are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts are exempt from disclosure under this chapter.	3(2) 4(1)