



From: Stone, Hannah E.  
Sent: Fri, 29 Dec 2023 23:43:18 +0000  
To: G.CC.Immigration Board  
Cc: Lassiter, Jackie A.; Keller, Janice L.  
Subject: Follow Up - Council Reorganization Meeting and Proposed Ordinance  
Attachments: Ordinance No 2019-11-033 - City of Bellingham, WA.pdf, Ordinance No 2021-03-009 - City of Bellingham.pdf, DRAFT - Proposed Ordinance Suspending IAB Meetings.pdf

Good afternoon, IAB Members.

I hope you all are doing well!

The purpose of this email is to follow up with you regarding the upcoming City Council Reorganization Meeting scheduled for Tuesday, January 2nd. Please note that a draft ordinance will be shared with the full council and mayor during the meeting. The draft ordinance proposes a suspension of board meetings to evaluate the City's purpose, goals, and objectives for maintaining the IAB and the level of resources needed to achieve them. A copy of the draft ordinance is attached for your reference. I have also attached copies of the two IAB ordinances previously adopted by the council and a link to the applicable Bellingham Municipal Code (BMC) section (<https://bellingham.municipal.codes/BMC/2.26>).

It is important to me to have an opportunity to review the proposed ordinance with the IAB in advance of any formal action by the council. The agenda item will be included for information and discussion.

I plan to attend the regularly scheduled IAB Meeting on January 16th to review the draft ordinance with IAB Members in advance of council action. Please feel free to follow up with me directly if you have any questions. I will also extend an invitation for the mayor and other council members to attend that meeting if they are available.

Thank you for your continued commitment to this important work!

Best regards,  
Hannah

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

City Hall

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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).*

**ORDINANCE NO. 2019-11-033**

**AN ORDINANCE OF THE CITY OF BELLINGHAM ESTABLISHING AN IMMIGRATION ADVISORY BOARD TO REVIEW AND EVALUATE POLICIES REGARDING COMPLIANCE WITH ENGROSSED SECOND SUBSTITUTE SENATE BILL 5497 AND TO MAKE SPECIFIC RECOMMENDATIONS REGARDING POLICIES RELATED TO IMMIGRATION MATTERS AND PROVIDING FOR DATA COLLECTION**

**WHEREAS**, it is the policy of the City of Bellingham that all people are valued, have inherent liberty interests, and should be afforded dignity and respect regardless of status or identity including race, gender, sexual orientation, religion, immigration status, national origin or ethnic origin; and

**WHEREAS**, on February 13, 2017 the Bellingham City Council passed Resolution #2017-10, a Resolution Affirming the Safety of All People Residing in Bellingham; and

**WHEREAS**, on February 27, 2017 the Bellingham City Council passed Ordinance # 2017-02-008, an Ordinance of the City of Bellingham, Washington Relating to City Policy with Respect to Immigration Enforcement, Equal Protection, and Equal Provision of City Services Regardless of Immigration Status and Creating a New Chapter of the Bellingham Municipal Code Regarding Such Matters; and

**WHEREAS**, the Bellingham Municipal Code includes Chapter 2.25, Equal Protection and Provision of Services Regardless of Immigration Status; and

**WHEREAS**, City policies related to immigration matters can benefit public health and safety, education, and the economic wellbeing of our community; and

**WHEREAS**, on May 21, 2019 the Governor of the State of Washington signed Engrossed Second Substitute Senate Bill 5497 (E2SSB 5497), an Act Relating to Establishing a Statewide Policy Supporting Washington State's Economy and Immigrants' Role in the Workplace ("Keep Washington Working Act"); and

**WHEREAS**, E2SSB 5497 specifically prohibits local law enforcement from taking certain actions related to enforcement of federal immigration law, including, but not limited to, inquiring or collecting information about an individual's immigration or citizenship status, except in limited circumstances; providing information pursuant to notification requests from federal immigration authorities for the purposes of civil immigration enforcement, except as required by law; detaining someone solely for the purpose of determining immigration status or based solely on a civil immigration warrant, or an immigration hold request; and

**WHEREAS**, E2SSB 5497 protects the privacy and civil rights of all residents; and

**WHEREAS**, the Mayor, as the chief executive officer of the City shall ensure compliance with E2SSB 5497, which may include alignment of departmental policies, procedures, and practices of the City; and

**WHEREAS**, the City Council has a substantial and compelling interest in ensuring the City of Bellingham is a place where the rights and dignity of all residents are maintained and protected regardless of status or identity including immigration status, national origin or ethnic origin.

**NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

**Section 1: Creation of an Immigration Advisory Board**

**A. Board Established**

Pursuant to Bellingham City Charter Section 7.01, there is established an Immigration Advisory Board (“Board”). The purpose of the Board is to review and evaluate existing policies and make specific recommendations regarding City policy related to immigration matters. This evaluation will include, but is not limited to, analysis of City data to determine compliance with E2SSB 5497. The Board will make recommendations for further data to be compiled in order to facilitate its recommendations. In addition, the Board shall support community involvement in and discussion of regional issues and decisions about our city’s future as it relates to immigration.

**B. Membership and Appointment.**

The Board will consist of no more than 12 members. Individuals will complete an application process to seek appointment to the Board. Under the City Charter, members will be appointed by the Mayor and confirmed by the City Council to serve two-year terms. However, in order to provide for staggered terms, the Mayor shall initially assign a one-year term for four members, with the remaining members assigned a two-year term. Members may serve for no more than two full two-year terms. Any vacancy in the membership of the Board shall be filled in the same manner as the original appointment, with the replacement serving the remainder of the unexpired term.

Membership will include at least one representative from each of the following sectors of the community:

1. Directly Impacted Individual / Liaison
2. Advocacy – Human Rights
3. Legal – Immigration Law / Civil Rights
4. Youth / Education
5. Faith / Religion
6. Healthcare / Medical
7. Labor – Service Industry
8. Labor – Agricultural Industry
9. Business / Economic Development

**C. Organization and Meetings.**

The Board will meet once a month. Interpretation and translation services will be provided by the City of Bellingham as needed to facilitate the work of the Board. The meetings will be open to the public with agendas and minutes, maintained per the City's records retention schedules. The Members of the Board will elect a Chair and Vice Chair to preside over the meetings, set the agenda, and oversee the work of the Board. The body of rules, ethics and customs that govern meetings and other operations of the Board will be adopted by the membership. The Board will be supported by Mayor-designated staff and City Council-designated staff as needed. The Chair of the Justice Committee will act as liaison between the Board and City Council.

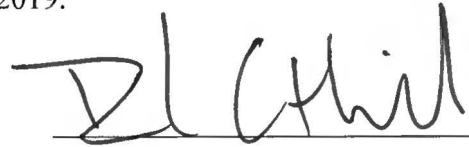
**Section 2: Data Collection**

The City shall collect data regarding any and all contact between the City of Bellingham and Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP). This data collection will be used to help in monitoring compliance with E2SSB 5497.

**Section 3: Periodic Updates to Immigration Advisory Board**

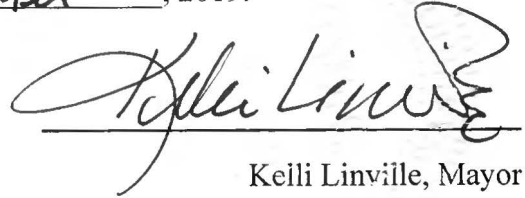
The City administration shall provide the data compiled pursuant to Section 2 of this Ordinance to the Council and the Board on a monthly basis.

**PASSED** by the Council this 4<sup>th</sup> day of November, 2019.



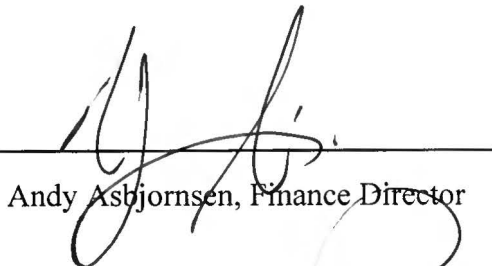
Dan Hammill, Council President

**APPROVED** by me this 18<sup>th</sup> day of November, 2019.



Keili Linville, Mayor

**ATTEST:**



Andy Asbjornsen, Finance Director

**APPROVED AS TO FORM:**



Peter Ruffatto, City Attorney

**ORDINANCE NO. 2021-03-009**

**AN ORDINANCE OF THE CITY OF BELLINGHAM AMENDING ORDINANCE NO. 2019-11-033 WHICH ESTABLISHED AN IMMIGRATION ADVISORY BOARD AND AMENDING THE BELLINGHAM MUNICIPAL CODE TO CODIFY THE ESTABLISHMENT, FUNCTION, AND MEMBERSHIP OF THE BOARD**

**WHEREAS**, the City of Bellingham adopted ordinance No. 2019-11-033 which established an immigration advisory board; and

**WHEREAS**, the City Council wishes to codify the establishment of the immigration advisory board, make changes to its composition to include alternate members, allow for non-City residents to become members, and make additional procedural changes.

**NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

**Section 1. Chapter Created.** There is hereby created a Chapter 2.26 of the Bellingham Municipal Code entitled "Immigration Advisory Board" which shall read as follows:

**Section 2.26.010 - Board Established.** Pursuant to Bellingham City Charter Section 7.01, there is established an Immigration Advisory Board. The purpose of the board is to review and evaluate existing policies and make specific recommendations regarding City policy related to immigration matters. This evaluation will include, but is not limited to, analysis of City data to determine compliance with E2SSB 5497. The board will make recommendations for further data to be compiled in order to facilitate its recommendations. In addition, the board shall support community involvement in and discussion of regional issues and decisions about our City's future as it relates to immigration.

**Section 2.26.020 - Membership and Appointment.** The board will consist of no more than 12 members excluding alternate members. Individuals will complete an application process to seek appointment to the board. Members will be appointed by the mayor and confirmed by city council to serve two-year terms. After the board is constituted, a member who anticipates periodic conflicts with the meeting schedule may request to have an alternate member appointed by the mayor. When appointing alternates, the mayor will consider individuals recommended by the board and other eligible applicants. Alternates shall not function as board members unless the primary member is unable to attend a particular meeting. When not serving as replacements for a member, alternates are encouraged to listen to meeting proceedings or to otherwise remain informed on the business before the board. Alternates who are serving in the place of an absent board member shall be counted if needed to establish a quorum and shall be entitled function as a primary member for the duration of the meeting. In order to provide for staggered

terms, the mayor shall initially assign a one-year term for four members, with the remaining members assigned a two-year term. Members may serve for no more than two full two-year terms. Those serving as alternates shall serve for terms that are identical to those of the board members for whom they are alternates. Members shall be residents of Whatcom County for at least one year prior to appointment or reappointment as a member of the board. Any vacancy in the membership of the board or among alternates shall be filled in the same manner as the original appointment, with the replacement serving the remainder of the unexpired term. Membership will include at least one representative from each of the following sectors of the community:

- (a) Directly Impacted Individual or Liaison
- (b) Advocacy – Human Rights
- (c) Legal – Immigration Law / Civil Rights
- (d) Youth / Education
- (e) Faith / Religion
- (r) Healthcare / Medical
- (g) Labor – Service Industry
- (h) Labor – Agricultural Industry
- (i) Business / Economic Development

**Section 2.26.030 - Organization and Meetings.** The board will meet once a month. Interpretation and translation services will be provided by the City of Bellingham as needed to facilitate the work of the board. The meetings will be open to the public with agendas and minutes, maintained per the City’s record retention schedules. The members of the board will elect or otherwise identify a pair of cofacilitators to preside over meetings, set the agenda, and oversee the work of the board. The body of rules, ethics and customs that govern meetings and other operations of the board will be adopted by the membership. The board will be supported by city council-designated staff for ongoing meeting support. Mayor-designed staff will provide information to the board as needed.

**Section 2.26.040 - Data Collection.** The city shall collect data regarding any and all contact between the City of Bellingham and Immigration and Customs Enforcement or Customs and Border Protection. The data collection will be used to help in monitoring compliance with RCW 10.93.160 and Washington State Session Law 2019 c 440 § 6.

**Section 2.26.050 - Periodic Updates to Immigration Advisory Board.** The city administration shall provide the data compiled pursuant to Section 2 of this Ordinance to the council and the board on a monthly basis.

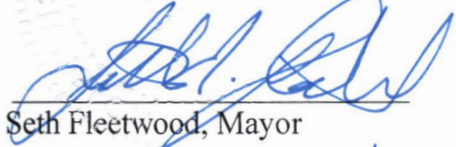



**Section 2. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**PASSED** by the Council this 8<sup>th</sup> day of March, 2021.


  
Hannah Stone, Council President

**APPROVED** by me this 15<sup>th</sup> day of March, 2021.

  
Seth Fleetwood, Mayor

**ATTEST:**   
Andy Asbjornsen, Finance Director

**APPROVED AS TO FORM:**

  
Peter Ruffatto, City Attorney

**PUBLISHED:**

March 12, 2021

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 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

**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 meetings, and volunteers and potential government, non-profit and community partners decline joint projects and activities with the IAB; and

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

**WHEREAS**, the City's advisory boards and commissions do not have budget authority; however, the resources needed to facilitate the IAB's regular meetings and annual retreats have constituted a significant portion of the City Council budget; 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

**WHEREAS**, the IAB has required more resources and staff time than anticipated, necessitating 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 needed to achieve them.

**NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

**Section 1. Findings of Fact.** 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 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 evaluate the City’s purpose, goals, and objectives for maintaining the Immigration Advisory Board, and the level of City resources needed to achieve them; and make any necessary changes to 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:  
\_\_\_\_\_

DRAFT

# Redaction Log

Total Number of Redactions in Document: 1

## Redaction Reasons by Page

Page	Reason	Description	Occurrences
1	RCW 42.56.250(4)	The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, driver's license numbers, identicard numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency. For purposes of this subsection, "employees" includes independent provider home care workers as defined in RCW74.39A.240.	1

# Redaction Log

## Redaction Reasons by Exemption

Reason	Description	Pages (Count)
RCW 42.56.250(4)	The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, driver's license numbers, identicard numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency. For purposes of this subsection, "employees" includes independent provider home care workers as defined in RCW74.39A.240.	1(1)