



MINUTES
Committee of the Whole
Monday, April 3, 2017
City Council Chambers

Council discharged into Committee of the Whole at 6:02 p.m.

CALL TO ORDER

Council President Spitzley called the meeting to order at 6:02 p.m.

PRESENT

Councilmember Brown Clarke
Councilmember Kathie Dunbar
Councilmember Tina Houghton
Councilmember Adam Hussain-excused
Councilmember Patricia Spitzley
Councilmember Jody Washington
Councilmember Carol Wood
Councilmember Jessica Yorko

OTHERS PRESENT

Sherrie Boak, Council Staff
Chris Swope, City Clerk
Jim Smiertka, City Attorney
Mayor Bernero- arrived at 6:08 p.m.

Mr. Swope explained to the public that they can continue to sign up to speak during public comment at the Council throughout this meeting.

Council Member Wood explained to the Committee and the public that the resolution in front of them was to reaffirm the City as a Welcoming City. The resolution was drafted with the assistance from the City Attorney office, the Mayor's office and incorporated input from the resolutions already adopted by the City of East Lansing and Ingham County.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION REAFFIRMING THE CITY AS A WELCOMING CITY.

Council Member Dunbar referred the discussion back to an earlier resolution she had presented that was prepared with community, the representatives that work in the immigrant communities, immigrant legal rights commission, Michigan Immigration Rights Commission and with the guidance from Congressional Research Service. She added she had also

worked with, spoken to and gotten multiple legal opinions. Council Member Dunbar stated she would stand by the resolution she had presented at an earlier meeting. She pointed out that based on City Charter issues; there was a perceived issue that Council was overstepping their bounds in the earlier resolution so she had reworked the language with the help from other attorneys. Council Member Dunbar then referenced legal 1373 which is specific to communication on immigrant status on documented or undocumented, and case law that address that states 1373 only relates to grants or funding if it complies with 1373, and her opinion was that the City of Lansing has nothing that would comply with 1373, and no municipality has been held liable. Council Member Dunbar ended by stating her opinion that some at the City still believe it would be a violation of what they can do and that Council cannot write policy, however her opinion was that it was within the prevue of the Council to address immigration and investigations. She again stated that she would stand by the resolution that was written by the community with assistance from attorneys across the country representing immigration; therefore she would not support the resolution currently on the table for a vote.

Council President Spitzley stated she appreciated the comments made by Council Member Dunbar however did not believe the findings to be legal and stated that Council has gone on the advice and guidance of the City Attorney.

Council Member Washington spoke to the Council and the public voicing her opinion that she will stand by the fact that the Mayor is the only one that can tell the LPD what to do, and Council will be stepping over their boundaries to tell the Administration any direction they have to take. She then added, for the public, that there are other options including churches that can declare themselves a Sanctuary. Her final statement reiterated that Council has made sure everyone is welcome and the resolution was done legislatively.

Mr. Smiertka provided a brief history on the topic which began in 2008 with the prior City Attorney where it was vetted, but was never adopted because of the conclusion it was too much of a risk. The proposed resolution was brought to Council again in December 2016, where the City Attorney again reviewed it and found areas of concern. Those included a Charter issue on if Council can direct the LPD. The City Attorney defends the 1983 Civil Rights in action cases, and the City Attorney office has a role to advise Council and the Mayor of the risk. Their opinion on the 2017 proposed action is the same opinion they had with the 2008.

Council Member Dunbar spoke to the Council telling them as their role as Council they should be researching law and legislature. She did admit she agrees that Council cannot overstep the boundaries into the Administrative role, however she then clarified that her earlier presented resolution was written so the administration could create their own policies. Council Member Dunbar then asked the Council why they choose sometime to question the City Attorney opinion in some cases only as advice. Council Member Dunbar then asked the City Attorney to cite the legal cases that made up his opinion because her belief was that he had access to the legal documents she referred to in her resolution. She also pointed out that she had sent information she had found onto the City Attorney for his review while he was making his opinion.

Council Member Yorko referenced examples from past LPD practices, and immigrants who are trying to get through the legal process. She then spoke on her disappointed that the amendments proposed earlier did not make it into the resolution to make it clearly stated.

Mayor Bernero acknowledge the Council for the work they have done and the task they a have faced. The Mayor then referenced and read his Executive Order (Attached) with his hopes in

building community partnerships and strong relations with the City. The Mayor again acknowledged the Council, City Attorney Smiertka and stated that his Executive Order would codify and put in black and white what the provisions would be. (Attached as part of the Executive Order).

Council President Spitzley acknowledged the Mayor of his Executive Order and putting points in order within his power, and then acknowledged Council for the resolution which they speak through in reaffirming a Welcoming City status.

Council Members Washington, Brown Clarke and Houghton also acknowledged the Mayor for his Executive Order, reiterating that it is in his role for administrative procedure and policy and the steps he took were confirmed.

MOTION BY COUNCIL MEMBER HOUGHTON TO AMEND THE RESOLUTION TO INCLUDE THE STATEMENT "FINALLY IS IT RESOLVED, THAT THE LANSING CITY COUNCIL IS IN FULL SUPPORT OF THE MAYOR'S EXECUTIVE ORDER OF APRIL 3, 2017.

Council Member Dunbar asked for direction on when the public could speak. Council President Spitzley reminded everyone that they had discharged into Committee of the Whole and therefore with no agenda or set meeting, the public comment will be taken when they come out of Committee of the Whole before the vote for action on the resolution is taken at the Council meeting. Mr. Swope added that he had confirmed with an opinion from the City Attorney office that the public comment would be taken at the Council Meeting.

MOTION TO ADD THE AMENDMENTS TO THE LAST PARAGRAPH OF THE RESOLUTION CARRIED 7-0.

MOTION TO ADOPT THE RESOLUTION WITH THE AMENDMENTS CARRIED 7-0.

Adjourn

Adjourned at 6:46 p.m.

Respectfully Submitted by,
Sherrie Boak, Recording Secretary
Lansing City Council

Approved by Committee on April 10, 2017

EXECUTIVE ORDER 2017-01
CREATION OF CITY POLICY WITH RESPECT TO IMMIGRANTS AND REFUGEES

**TO: ALL OFFICERS, EMPLOYEES, AGENCIES, BOARDS, AUTHORITIES, AND
DEPARTMENTS OF THE CITY OF LANSING**

SUBJECT: CITY POLICY WITH RESPECT TO IMMIGRANTS AND REFUGEES

The City of Lansing has a rich and diverse population, which includes immigrants and refugees who make substantial economic, social, and cultural contributions to our community. The City also has a long history of commitment to preserving civil rights and liberties, regardless of one's immigration or refugee status. And as such, Lansing shares the company of a growing number of cities, townships, counties and states who celebrate diversity and provide equal protection for all residents, immigrant and refugee, documented and undocumented.

To ensure these protections, and to reflect its commitment to both the equal enforcement of the law and service to the public, the Lansing Police Department has for many years instituted policies that would not only assist it with respect to crime reporting and investigation, but also encourage community participation in both. Furthermore, the fear of any reprisal that might follow the revelation of one's immigration status should not give cause for failing to assist law enforcement in their efforts to make Lansing a safe community.

It is the policy of the Lansing Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

The Lansing Police Department Administration will work with the City of Lansing Board of Police Commissioners, a citizen task force of immigration advocates, and the Office of the City Attorney to develop a policy that will provide guidelines to members of the Department to act in accordance with this order. The policy language will clarify and solidify a public safety position that engenders trust within the community, not fear.

However, given the current political environment, I believe it is necessary to reaffirm the City of Lansing's long-standing commitments and policies referenced above for the personal safety and dignity of its residents and visitors.

Accordingly, pursuant to the powers vested in me by the Lansing City Charter, I am issuing the following executive order which shall have immediate effect:

RECEIVED
2017 APR -9 PM 4:18
LANSING CITY CLERK

EXECUTIVE ORDER 2017-01

1. CREATION OF CITY POLICY WITH RESPECT TO IMMIGRANTS AND REFUGEES

Lansing officials, officers and employees will not ask about, nor record information on, any person's immigration status, except as required by federal or state statute or court decision.

Lansing Police Department personnel will not, independently or in assisting other law enforcement agencies, stop, pursue, interrogate, investigate, arrest or otherwise detain a person based solely on their immigration status or suspected violations of immigration law.

Lansing Police Department personnel are prohibited from soliciting information regarding immigration status from persons who are seeking police services or are the victims of, or witness to, a crime.

Individuals in the custody of the Lansing Police Department shall be subject to the same booking, processing, release, and transfer procedures, policies, and practices of the Department, regardless of actual or suspected citizenship or immigration status.

Lansing Police Department shall not continue to detain an individual beyond their initial release time pursuant to an immigration detainer request without a valid judicial warrant. In addition, officers shall not arrest or detain individuals based on administrative immigration warrants, including those entered in Michigan Law Enforcement Information Network (LEIN) or National Crime Information Center (NCIC) database.

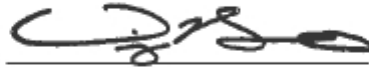
Lansing Police Department personnel will not enter into any agreement or Memoranda of Agreement to perform the functions of federal immigration agents for the Department of Homeland Security (DHS) under Section 287(g) of the Immigration and Nationality Act (INA).

When dealing with persons who lack a State identification card or a driver's license, the methods used for establishing identification shall be uniform. Acceptable forms of identification, which must include a photograph of the individual, include, but are not limited to, current or previous driver's licenses from any U.S. state or foreign country, government-issued IDs by a U.S. jurisdiction, foreign passports, and consular ID cards. Individuals should not be stopped or detained solely for the purpose of establishing their identity.

Lack of government-issued identification or limited English ability shall not be used as a pretext to contact federal immigration authorities. Enlisting the assistance of the Immigration Customs and Enforcement Division of the Department of Homeland Security should only be utilized when crimes of a serious nature are being investigated.

Nothing in the Executive Order is intended to, or should be construed to, limit communication with federal immigration authorities about an individual's citizenship or immigration status as prohibited by 8 USC § 1373.

This Executive Order, is signed on this 3rd day of April, 2017 shall remain in effect until is it rescinded or superseded.

A handwritten signature in black ink, appearing to read "Virg Bernero", written over a horizontal line.

VIRG BERNERO

Mayor of the City of Lansing, Michigan