

## CITY MANAGER REPORT AND RECOMMENDATIONS



Meeting Date: March 6, 2017

### Agenda Item:

Executive Order "Enhancing Public Safety in the Interior of the US" for the City of Newport.

### Background:

At the February 21, 2017, Council meeting, Councilor Allen provided information regarding the impact that President Trump's executive order entitled "Enhancing Public Safety in the Interior of the United States" may have on cities in Oregon. The League of Oregon Cities has reviewed the impact that this order would have on the State of Oregon. A couple of key factors regarding the executive order is as follows: Section 8 of the order provides that local law enforcement agencies are empowered to "provide the functions of an immigration officer in the interior of the United States to the maximum extent permitted by law". The League indicates there are two criteria to be met. The first is whether such action is deemed lawful, and the second would require the governing body employing the law enforcement officers to enter into an agreement with the Federal government. These agreements can only be entered into if the agreement is consistent with both State and local law.

Under Oregon law, (ORS 181A.820) cities are prohibited from spending public resources or using personnel, including the City of Newport Police officers from using city funds, equipment, and 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". ORS 181A.820 does allow for local law enforcement agencies to exchange information with Federal agencies in order to verify the immigration status of any person arrested for criminal activity, or request criminal investigation information from these Federal agencies on any person. Furthermore, local law enforcement agencies are allowed to arrest any person charged with a criminal violation of Federal immigration laws if the person is subject of an arrest warrant issued by a Federal magistrate.

It is the intent of the city administration to continue following the law as set forth by the State of Oregon (ORS 181A.820) and the United States Constitution as interpreted by Federal courts. From a city standpoint, we will continue to monitor this issue and will advise the Council with any further developments that occur with this matter. As stated by Lincoln County, the City of Newport is also a "welcoming community" to all who work, reside in, or visit our city. The city is open and respectful to diverse ideas and viewpoints. The City of Newport celebrates its growing diversity. The city administration will continue to follow the laws as set forth by the State of Oregon, and United States Constitution, as interpreted by the Federal courts as it relates to immigration law in the United States. I do not see any change of practices that will be required because of the executive order issued by the President for the City of Newport.

The President's executive order also provides that the Attorney General and Secretary of Homeland Security shall insure that jurisdictions that are deemed sanctuary cities are not eligible to receive Federal grants, except as deemed necessary for law enforcement purposes. The League of Oregon Cities has indicated that there is a question as to whether ORS 181A.820 is conflict with Federal law, and the President's executive order.

I have attached a copy of background materials forwarded by Councilor Allen as part of this agenda packet.

**Recommendation:**

I do not recommend that the City Council take any action at this time.

**Fiscal Effects:**

None.

**Alternatives:**

The Council could direct the administration to take a different position on this matter.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "S. R. Nebel".

Spencer R. Nebel, City Manager