City of Tukwila
Washington
Ordinance No. 2F87

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, ESTABLISHING REGULATIONS RELATING TO COMPLIANCE WITH FEDERAL IMMIGRATION LAWS, TO BE CODIFIED AT TUKWILA MUNICIPAL CODE CHAPTER 2.98; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, immigrants and refugees are long standing and deeply rooted in the Tukwila community and contribute to the vibrancy of our family, cultural and economic landscape; and

WHEREAS, the City Council has affirmed its commitment to being an inclusive community for all through the adoption of Resolution No. 1614 in 2006 and Resolution No. 1900 in 2016; and

WHEREAS, trust between residents and city government is critical to fulfilling the mission and duties of the City of Tukwila; and trust between immigrant and refugee communities and local law enforcement is critical to promoting public safety for our entire City; and

WHEREAS, it is imperative to public safety in the City of Tukwila for immigrants and refugees to be able to report crimes of which they are victims, or have witnessed, without fear of arrest and deportation; and

WHEREAS, the City of Tukwila Police Department has been diligently working for many years to strengthen communication and trust between law enforcement and immigrant and refugee communities; and

WHEREAS, the City of Tukwila has limited resources, immigration law is complex, and enforcing federal immigration law is the exclusive authority of the federal government; and

WHEREAS, the City of Tukwila commits its rights under the Tenth Amendment to the United States Constitution to refrain from performing the duties of the Department of Homeland Security for purposes of enforcing the Immigration and Nationality Act; and
WHEREAS, the City Council has received compelling public testimony from residents, citizens, constituents, and immigrant and refugee advocates in strong support of strengthening City regulations to further protect vulnerable individuals and families; and  

WHEREAS, the City Council desires to foster trust and cooperation between all City personnel and all members of the community to strengthen public health and safety;  

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:  

Section 1. Regulations Established. Tukwila Municipal Code (TMC) Chapter 2.98, “Compliance with Federal Immigration Laws,” is hereby established to read as follows:  

CHAPTER 2.98  
COMPLIANCE WITH FEDERAL IMMIGRATION LAWS  

Sections:  
2.98.010 Immigration Inquiries Prohibited  
2.98.020 Enforcement of Federal Immigration Law  
2.98.030 Applicability  

Section 2. Regulations Established. TMC Section 2.98.010, “Immigration Inquiries Prohibited,” is hereby established to read as follows:  

2.98.010 Immigration Inquiries Prohibited  

Unless otherwise required by law or court order, or during the course of a criminal investigation where identity is in question and cannot otherwise be determined, no officer, agent, or employee of the City of Tukwila shall inquire into the immigration or citizenship status of any person or engage in activities designed to ascertain the immigration status of any person.  

Section 3. Regulations Established. TMC Section 2.98.020, “Enforcement of Federal Immigration Law,” is hereby established to read as follows:  

2.98.020 Enforcement of Federal Immigration Law  

A. Unless otherwise required by law or court order, no officer of the City of Tukwila shall stop, search, arrest, detain, or continue to detain a person based on any administrative or civil immigration detainer request unless accompanied by a valid criminal warrant issued by a judge or magistrate.  

B. The Tukwila Police Department shall not stop, search, investigate, arrest, or detain an individual based solely on immigration or citizenship status.  

C. Unless Immigration and Customs Enforcement (ICE) agents have a criminal warrant or City officials have a legitimate law enforcement purpose that is not solely related to the enforcement of civil immigration laws, the City shall not give ICE agents access to individuals in the City’s custody.
D. The Tukwila Police Department shall maintain policies and training procedures consistent with this chapter.

**Section 4. Regulations Established.** TMC Section 2.98.030, “Applicability,” is hereby established to read as follows:

**2.98.030 Applicability**

A. This chapter is intended to be consistent with federal laws regarding communications between local jurisdictions and federal immigration authorities, including but not limited to United States Code Title 8, Section 1373.

B. Nothing in this chapter shall be construed to prohibit any Tukwila City officer or employee from cooperating with federal immigration authorities as required by law.

C. Nothing in this chapter is intended to create or form the basis for liability on the part of the City, or its officers, employees or agents.

**Section 5. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

**Section 6. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

**Section 7. Effective Date.** This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this 4TH day of September, 2018.

ATTEST.AUTHENTICATED:

[Signature] Christy O'Flaherty, MMC, City Clerk

[Signature] Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

[Signature] Rachel B. Turpin, City Attorney

Filed with the City Clerk: 8-29-18
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