

RESOLUTION NO. 5 2 8 4

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, AFFIRMING OF THE VALUE OF
ALL AUBURN RESIDENTS**

WHEREAS, the City of Auburn is committed to inclusiveness and diversity as fundamental aspects of our community; and

WHEREAS, the City is authorized by Section 35A.11.030 of the Revised Code of Washington (RCW) to define the functions, powers, and duties of its officers and employees and to adopt and enforce ordinances appropriate to the good government of the City; and

WHEREAS, under state law, the functions, powers, and duties of City officers and employees does not include responsibility for enforcement of federal immigration law; and

WHEREAS, the enforcement of civil immigration laws has historically been a federal government responsibility through the Immigration and Naturalization Service. Since 2002, matters of immigration law have been handled by the Office of Immigration and Customs Enforcement, a branch of the Department of Homeland Security. Requiring local law enforcement agencies, which are not specifically equipped or trained, to enforce civil immigration laws would force local governments to expend their limited resources to perform traditional federal functions; and

WHEREAS, local law enforcement agencies do interact and cooperate with the Department of Homeland Security in that their interactions related to immigration enforcement in fact arise through their routine local law enforcement duties; and

WHEREAS, the City Council wishes to identify as a goal the fostering of trust and cooperation between City personnel and law enforcement officials and the diverse and pluralistic society that makes up the City of Auburn, to improve crime prevention and public safety; and

WHEREAS, the City Council also wishes to set as a goal the promotion of the public health and welfare of all city of Auburn residents and other users of City services, including but not limited to police and human services; and

WHEREAS, the City Council further intends that the provisions of this ordinance 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; and

WHEREAS, the good government of the City includes recognizing that all people are vital to our shared prosperity and that all people must be respected and valued; and

WHEREAS, the good government of the City includes recognizing that all people are vital to our shared prosperity and that all people must be respected and valued; and

WHEREAS, local elected officials can and should lead the way forward in making inclusiveness and diversity priorities; and

WHEREAS, the Fourteenth Amendment to the U.S. Constitution guarantees the equal protection of the laws to all persons, not just citizens and residents, stating that “[n]o state shall . . . deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” [U.S. Const. amend. XIV, § 1]; and

WHEREAS, the courts of this state as well as the United States have repeatedly stated that “the equal protection clause applies to resident aliens as well as citizens.” *Herriott v. City of Seattle*, 81 Wn.2d 48, 500 P.2d 101 (1972), citing *Takahashi v. Fish & Game Comm'n*, 334 U.S. 410, 420, 68 S.Ct. 1138, 92 L.Ed. 1478 (1948); and the City Council finds that is in in the best interest of the City to be an inclusive and diverse community for all people; and

WHEREAS, it is also in the best interests of the City and of the residents of the City, and the need to keep them safe, that its police officers be fully empowered to take appropriate law enforcement actions, including those authorized by chapter 10.93 RCW, the Washington Mutual Aid Peace Officers Powers Act, including but not limited to responding to emergencies involving immediate threat to human life or property, and assisting other law enforcement agencies.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, KING COUNTY, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. That the City Council hereby adopts the recitals contained in this Resolution as its Findings of Facts and Conclusions.

Section 2. That the City Council of the City of Auburn reaffirms its commitment to making inclusiveness and diversity fundamental aspects of our community, pledges active efforts to seek to achieve that goal, and urges all residents of the City of Auburn to join together to support this effort.

Section 3. That is the policy of the City Council that City personnel shall not, except where required by law, initiate any inquiry or enforcement action based solely on a person's:

1. Civil immigration status;
2. Race;
3. Religion;
4. Inability to speak English; or
5. Inability to understand city personnel or its officers.

Section 4. That is the policy of the City Council that City personnel shall not request specific documents relating to a person's civil immigration status for the sole purpose of determining whether the individual has violated federal civil immigration laws.

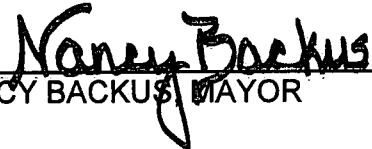
Section 5. That is the policy of the City Council that, except when otherwise required by law, where the city accepts presentation of a state-issued driver's license or identification card as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport or consulate-issued document, shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a Washington state driver's license or identification card. However, a request for translation of such a document to English shall not be deemed a violation of any provision of City code. This provision does not apply to documentation required to complete a federal I-9 employment eligibility verification form.

Section 6. That the Mayor is authorized to implement such administrative procedures as may be necessary to carry out the policy directives of this legislation, including development and implementation of personnel policies consistent herewith.

Section 7. That this Resolution shall take effect and be in full force upon passage and signatures hereon.

Dated and Signed this 15th day of May, 2017.

CITY OF AUBURN



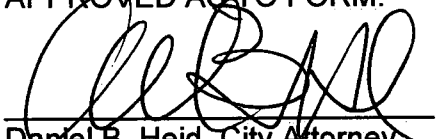
NANCY BACKUS, MAYOR

ATTEST:



Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney