ORDINANCE NO. 2024-10-026

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, DISSOLVING THE IMMIGRATION ADVISORY BOARD AND REPEALING BELLINGHAM MUNICIPAL CODE CHAPTER 2.26

WHEREAS, the Keep Washington Working Act (KWW) enacted by the State of Washington in 2019 made numerous changes to state law for the stated purpose of "ensuring the state of Washington remains a place where the rights and dignity of all residents are maintained and protected in order to keep Washington working"; and

WHEREAS, in passing KWW, the Legislature determined that a person's immigration status, presence in the country, or employment alone is not a matter for police action—reinforcing that the federal government bears the primary jurisdiction to enforce federal immigration law; and

WHEREAS, KWW restricts the extent to which local law enforcement agencies (LEAs) may participate in the enforcement of federal immigration laws; and

WHEREAS, KWW prohibits local LEAs from asking for or collecting information about a person's immigration or citizenship status, or place of birth—unless there is a connection between that information and an investigation into a violation of state or local criminal law; and

WHEREAS, unauthorized presence in the United States is governed by federal law and is not, by itself, a crime; and

WHEREAS, KWW prohibits local law enforcement from 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, on November 4, 2019, the City adopted Ordinance No. 2019-11-033, which created Chapter 2.26 of the Bellingham Municipal Code and established the Immigration Advisory Board (IAB) to review and evaluate existing City policies and analyze City data to determine compliance with KWW; and

WHEREAS, on February 12, 2024, the City adopted Ordinance No. 2024-02-006, which suspended all future meetings of the IAB until the City adopted an ordinance rescinding the suspension. The purpose of the suspension was to allow City Council and the City administration adequate time to evaluate the City's purpose, goals, and objectives for maintaining the IAB and the level of City resources needed to achieve them and to make any necessary changes to Bellingham Municipal Code (BMC) Chapter 2.26: and

WHEREAS, on September 30, 2024, the City adopted Resolution No. 2024-24 directing the City administration to create a limited-term Keep Washington Working Act Advisory Work group to study the Act, advise the City on compliance, and recommend related policy considerations; and

IAB Repeal Ordinance (1)

WHEREAS, with the formation of the limited-term Keep Washington Working Act Advisory Work group to examine the City's compliance with the KWW, the City desires to dissolve the IAB and repeal BMC Chapter 2.26, the IAB's implementing ordinance.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The above "WHEREAS" recitals are adopted as findings of fact in support of this ordinance.

Section 2. The Immigration Advisory Board is dissolved.

Section 3. BMC Chapter 2.26 is repealed in its entirety.

Section 4. 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. 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.
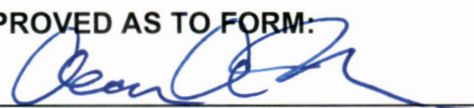
PASSED by the Council this 7th day of October, 2024.

_____
Council President

APPROVED by me this __23rd__ day of __October__, 2024.

_____
Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

_____
Office of the City Attorney

Published:

October 13, 2024_____

IAB Repeal Ordinance (2)