



TOWN COUNCIL SPECIAL MEETING
Jamestown Town Hall
Rosamond A. Tefft Council Chambers
93 Narragansett Avenue
Thursday, December 13, 2018
6:00 PM

The public is welcome to participate in this Town Council meeting. Anyone wishing to speak should use the microphone at the front of the room, stating their name and address for the record; comments must be addressed to the Council, not the audience. It is the Town Council's hope that citizens and Councilors alike will be respectful of each other's right to speak, tolerant of different points of view, and mindful of everyone's time.

I. ROLL CALL

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

III. PUBLIC HEARINGS, LICENSES AND PERMITS

A) Public Hearing:

- 1) Proposed Amendment of the Jamestown Code of Ordinances, to include a Municipal Immigrant Protection Ordinance as submitted pursuant to the provisions of Section 219 of the Town of Jamestown Town Charter; duly advertised in the *Jamestown Press* December 6th edition; review, discussion and/or potential action and/or vote

- B) Review, discussion and/or potential action and/or vote to set a date for a special referendum for a Proposed Amendment of the Jamestown Code of Ordinances, to include a Municipal Immigrant Protection Ordinance as submitted pursuant to the provisions of Section 219 of the Town of Jamestown Town Charter, if needed; said referendum to be scheduled no later than December 3, 2019.

IV. COMMUNICATIONS

- A) Communications re: Proposed Municipal Immigrant Protection Ordinance; review, discussion and/or potential action and/or vote

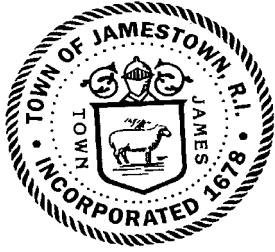
- 1) Letter of Donna Cote of Spindrift Street stating she is not in favor of Jamestown becoming a sanctuary city

V. ADJOURNMENT

Pursuant to RIGL § 42-46-6(c) Notice of this meeting shall be posted on the Secretary of State's website and at the Town Hall and the Jamestown Philomenian Library. In addition to the two above-mentioned locations, notice is also posted at the Jamestown Police Station and on the Internet at www.jamestownri.gov.

NOTE: This meeting location is accessible to the physically challenged. If communications assistance is needed or other accommodations to ensure equal participation, please call 1-800-745-5555, contact the Town Clerk at 401-423-9800, via facsimile to 401-423-7230 or email to cfernstrom@jamestownri.net not less than three (3) business days prior to the meeting.

Posted on the Secretary of State website on Tuesday, December 11, 2018



Town of Jamestown

Town Clerk's Office
Town Hall
93 Narragansett Avenue
Jamestown, Rhode Island 02835-1199
401-423-9800 Fax 401-423-7230
Email: cfernstrom@jamestownri.net

Cheryl A. Fernstrom, CMC
Town Clerk/Probate Clerk

PUBLIC HEARING NOTICE TOWN OF JAMESTOWN

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on **Thursday, December 13, 2018 at 6:00 p.m. at the Jamestown Town Hall, 93 Narragansett Avenue**, on the following proposed amendment to the Code of Ordinances. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendment is under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed amendment is available for review and/or purchase at the Town Clerk's Office between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding Holidays.

Section 1. The Town Council of the Town of Jamestown hereby ordains that the Jamestown Code of Ordinances, as the same may have been heretofore amended, is hereby amended to include a Municipal Immigrant Protection Ordinance as submitted pursuant to the provisions of Section 219 of the Town of Jamestown, Town Charter.

The following is a summary description of the proposed amendment:

To provide equal access to services, opportunities, protections and equal treatment, to encourage cooperation between residents, town officials and law enforcement, and to ensure community security and due process for all, regardless of immigration status.

Section 2. This Ordinance amendment shall take effect upon its passage.

A copy of the entire amendment, as proposed, is available for review at the Jamestown Philomenian Library, 26 North Road; Jamestown Town Hall, 93 Narragansett Avenue; and online at www.jamestownri.gov.

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FOR ADVERTISEMENT IN THE JAMESTOWN PRESS: Thursday, December 6th edition.

MUNICIPAL IMMIGRANT PROTECTION ORDINANCE
FOR RHODE ISLAND CITIES AND TOWNS

PREAMBLE

WHEREAS, the Town of Jamestown is dedicated to providing all of its residents fair and equal access to services, opportunities and protections; and

WHEREAS, the Town of Jamestown respects, upholds, and values equal protection and equal treatment for all of our residents, regardless of immigration status; and

WHEREAS, fostering a relationship of trust, respect, and open communication between municipal employees and municipal residents is essential to the Town of Jamestown's core mission; and

WHEREAS, public safety in the Town of Jamestown is best promoted when victims and witnesses of crime feel safe in cooperating with law enforcement officials; and

WHEREAS, the purpose of this Ordinance is to foster respect and trust between law enforcement and residents, to protect limited resources, to encourage cooperation between residents and town officials, especially law enforcement, and to ensure community security and due process for all,

The Town of Jamestown Hereby Ordains:

1. Limitation on activities solely for the purpose of enforcing federal immigration laws.

(a) The Jamestown Police Department shall not stop, question, interrogate, investigate, or arrest an individual based solely on any of the following:

(1) Actual or suspected immigration or citizenship status; or

(2) A civil immigration warrant (as defined in section 14), administrative warrant (as defined in section 14), or an immigration detainer (as defined in section 14) in the individual's name, including those identified in the National Crime Information Center (NCIC) database.

(b) The Jamestown Police Department shall not inquire about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches the police

seeking assistance, unless necessary to investigate criminal activity that is unrelated to the enforcement of civil immigration law.

(c) Neither the Town of Jamestown nor the Jamestown Police Department shall enter into any agreements to enforce, or otherwise voluntarily engage in the enforcement of, federal immigration law or to perform federal immigration functions pursuant to 8 U.S.C. §1357g or any other federal law, regulation, or policy.

2. Conditions for honoring ICE or CBP detainer requests.

(a) Except as provided in subsection (b), the Jamestown Police Department may respond affirmatively to a civil immigration detainer from ICE (as defined in section 14) or CBP (as defined in section 14) to detain or transfer an individual for immigration enforcement or investigation purposes for up to 48 hours, only if the request is supported by a judicial warrant (as defined in section 14).

(b) Notwithstanding subsection (a), the Jamestown Police Department may detain a person for up to 48 hours on a civil immigration detainer in the absence of a judicial warrant if there are exigent circumstances preventing ICE or CBP from obtaining a warrant and there is probable cause to believe that the individual has or is engaged in terrorist activity as defined in 8 U.S.C. §1182(A) (3)(B).

3. Limitations on honoring ICE or CBP requests for certain non-public, sensitive information.

(a) Except as provided in subsection (b), the Jamestown Police Department may respond affirmatively to an ICE or CBP request for non-public information about an individual, including but not limited to non-public information about an individual's release, home address, or work address, only if the request is accompanied by a judicial warrant or a court order enforcing a subpoena.

(b) Notwithstanding subsection (a), nothing in this ordinance limits the Town of Jamestown or the Jamestown Police Department from:

(1) disclosing information about an individual's criminal arrests or convictions, where disclosure of such information about the individual is otherwise authorized by state law or required by court order; or

(2) disclosing information about an individual's juvenile arrests or delinquency or youthful offender adjudications, where disclosure of such information about the individual is otherwise authorized by state law or required by court order.

(c) The Jamestown Police Department shall limit the information collected from individuals concerning immigration or citizenship status to that necessary to perform the Jamestown Police Department's agency duties.

4. Limitations on ICE or CBP access to individuals in custody for immigration enforcement questioning purposes.

The Jamestown Police Department shall not provide ICE or CBP with access to an individual in their custody or the use of agency facilities to question or interview such individual if ICE or CBP's sole purpose is enforcement of federal civil immigration law, unless such enforcement is pursuant to a federal judicial order.

5. Due process for persons about whom federal immigration enforcement requests have been made.

(a) The Jamestown Police Department shall not delay bail and/or release from custody upon posting of bail solely because of

(1) an individual's immigration or citizenship status,

(2) a civil immigration warrant, or

(3) an ICE detainer request or any other ICE or CBP request for the purposes of immigration enforcement, or for notification about, transfer of, detention of, or interview or interrogation of that individual.

(b) Upon receipt of an ICE or CBP detainer, transfer, notification, interview or interrogation request, the Jamestown Police Department shall provide a copy of that request to the individual named therein and inform the individual whether the Jamestown Police Department will comply with the request before communicating its response to the requesting agency.

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

6. Ban on use of resources to facilitate a federal registry based on race, gender, sexual orientation, gender identity or expression, religion, ethnicity, or national origin. The Town of Jamestown shall not use agency or department monies, facilities, property, equipment, or personnel to investigate, enforce, or assist in the establishment, maintenance or enforcement of any federal program requiring registration of individuals on the basis of race, gender, sexual orientation, gender identity or expression, religion, ethnicity, or national origin.

7. Limitation on the collection of immigration-related information; provision of nondiscriminatory access to benefits and services.

(a) The Town of Jamestown personnel shall not inquire about or request proof of immigration status or citizenship when providing services or benefits, except where the receipt of such services or benefits is contingent by law upon verification of one's immigration or citizenship status or where inquiries are otherwise lawfully required by federal, state, or local laws.

(b) The Town of Jamestown and the Jamestown Police Department shall have a formal Language Assistance Policy for individuals with Limited English Proficiency and provide interpretation or translation services at no cost consistent with that policy.

8. Limits on Political Surveillance. Jamestown Police Department shall not collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, corporation, business or partnership or other entity unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect that the particular subject of the information, whether an individual or other entity, is involved in criminal conduct.

9. Protecting Immigrant Victims of Crime.

(a) On request from an individual whom a law enforcement officer or agent thereof reasonably believes is a victim who is or has been subjected to a qualifying criminal activity for a nonimmigrant T or U visa under 8 U.S.C. §1101(a)(15)(T) or 8 U.S.C. §1101(a)(15)(U), or for continued presence under 22 U.S.C. §7105(c)(3), the law enforcement officer, as soon as practicable after receiving the request, shall, subject to the presumption in subsection (b), provide to the individual a signed certification Form I-914B or Form I-918B.

(b) There shall be a rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection, investigation, or prosecution of qualifying criminal activity if the victim has not unreasonably refused or failed to assist with the investigation as requested by Jamestown Police Department.

(c) The Jamestown Police Department shall process the appropriate form under this section within 45 days of the request, unless the noncitizen is in removal proceedings, in which case the certification shall be processed within fourteen (14) days of the request.

(d) If the Jamestown Police Department determines that an individual does not meet the requirements for the issuance of a certification under this section, the Jamestown Police Department shall inform the individual in writing of the specific reasons. The written denial shall also advise the individual that he or she may make another request under subsection (a) of this section by submitting additional evidence that he or she has been subjected to a qualifying criminal activity and/or that the presumption established by subsection (b) has been satisfied or not properly rebutted. The denial shall also include a list of organizations that provide services to immigrants whom the individual may contact for additional assistance.

(e) The Jamestown Police Department shall provide an annual report to the Jamestown Town Council of how many requests were made to the Jamestown Police Department under subsection (a) and how many were denied.

10. Protecting the Rights of Students.

In order to protect the rights of students, the school district shall, within 120 days of enactment of this ordinance, adopt a policy establishing procedures for handling interactions with immigration officials seeking information about, or requesting to talk with any student about, their immigration status; providing for cooperating with such requests only to the extent required by law; and barring the collection and disclosure of students' citizenship status except to the extent required by federal law.

11. Collection of aggregate data regarding ICE and CBP requests.

(a) The Jamestown Police Department shall record, solely to create the reports described in subsection (b) below, the following for each immigration detainer, notification, transfer, interview, or interrogation request received from ICE or CBP:

- (1) The subject individual's race, gender, and place of birth;
- (2) Date and time that the individual was taken into the Jamestown Police Department custody, the location where the individual was held, and the arrest charges;
- (3) Date and time of the Jamestown Police Department's receipt of the request;
- (4) The requesting agency;
- (5) Immigration or criminal history indicated on the request form, if any;
- (6) Whether the request was accompanied by any documentation regarding immigration status or proceedings, e.g., a judicial warrant;
- (7) Whether a copy of the request was provided to the individual and, if yes, the date and time of notification;
- (8) Whether the individual consented to the request;
- (9) Whether the individual requested to confer with counsel regarding the request;
- (10) The Jamestown Police Department's response to the request, including a decision not to fulfill the request;
- (11) If applicable, the date and time that ICE or CBP took custody of, or was otherwise given access to, the individual; and

(12) The date and time of the individual's release from the Jamestown Police Department's custody.

(b) The Jamestown Police Department shall provide semiannual reports to the Jamestown Town Council regarding the information collected in subsection (a) above in an aggregated form that is stripped of all personal identifiers. The reports shall be a public record.

12. Enforcement.

An aggrieved individual or an organization that is chartered for the purpose of combating discrimination, promoting the rights of immigrants, or safeguarding civil rights shall be entitled to seek and obtain injunctive and declaratory relief, damages and attorneys' fees for any violation of this ordinance.

13. Affirmation of Compliance with Federal Law.

Pursuant to 8 U.S.C. §1373 or 8 U.S.C. §1644, nothing in this ordinance is intended, or shall be construed, to prohibit or restrict in any way the Jamestown Police Department or the Town of Jamestown from maintaining, exchanging, sending, or receiving information regarding the citizenship or immigration status, lawful or unlawful, of any individual with any federal, State or local government entity.

14. Definitions.

(a) "CBP" means United States Customs and Border Protection.

(b) "Civil immigration detainer" or "civil immigration warrant" means a detainer issued pursuant to 8 C.F.R. § 287.7 or any similar request from ICE or CPB for detention of a person suspected of violating federal immigration law.

(c) "ICE" means United States Immigration and Customs Enforcement.

(d) "Judicial warrant" means a warrant based on probable cause and issued by an Article III federal judge or a federal magistrate judge that authorizes federal immigration authorities to take into custody the person who is the subject of the warrant. A judicial warrant does not include a civil immigration warrant, administrative warrant, or other document signed only by ICE or CBP officials.

15. Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

JAMESTOWN TOWN CHARTER

Sec. 219. - Initiative procedure.

Any proposed ordinance may be submitted to the town council by a petition signed by qualified electors of the town equal in number to at least ten percent of the number of persons registered to vote at the time of the last regular town election. Whenever the town council receives a certified initiative petition from the town clerk, it shall proceed at once to consider the proposed ordinance transmitted therewith, and shall take a final vote on the enactment of same no more than 30 days following receipt of the petition from the town clerk. If the town council shall fail to pass an ordinance thus proposed by initiative petition, or shall pass it in altered form, the said ordinance as originally proposed by the petitioners shall be submitted to the electors for their approval or rejection, no less than 30 days nor more than one year from the date the town council takes its final vote thereon. The town council may, and if no regular election is to be held within such period shall, provide for a special election.

Donna J. Cote
82 Spindrift Street
Jamestown, RI 02835

December 10, 2018

Re: The public hearing as to whether Jamestown should become a “sanctuary city”

To the members of the Jamestown Town Council:

The fact that our town council has spent so much time on this issue shows how concerned they are for what our citizens of Jamestown care about. However, this is an issue that can only be played out at the federal level of our government. Our local elected officials basically volunteer their time and efforts and should be focused on local issues. If this town were to become a “sanctuary city”, it could open up a plethora of issues that would likely include potential legal and financial ramifications. Should our taxes go up to support such action? I think not.

That being said, the fact is that there is already an entire level of our society that consists of illegal immigrants. Many are hard-working people who do many of the jobs that sustain the economical advancement of legal American citizens. There is no doubt that our economy is impacted by their work in industries such as farming, fishing, dairy, carpentry, food service, care-giving, landscaping etc. (Which raises the question of what should happen to the companies who hire them?) However, this comes at great cost to the communities in which they live and receive education and medical expenses for themselves and their children. As to the state of RI, I recently heard that 1/3 of Rhode Island population is on some sort of public assistance—these are the legally documented people. Are we ready to absorb the costs of those who are here illegally? And, what about the cost to taxpayers of jail time for those who may merit that?

What does it mean to become a “sanctuary city”? From reading the information in the Jamestown Press, it appears that in Jamestown, any illegal aliens would receive the rights that American citizens do not have: the right to be above questioning about their illegal status, activity, and possible criminal record. To which I ask, why should anyone committing anything illegal have special privileges? What kind of precedent might this be setting for future unraveling in our social/justice systems?

That being said, this ruling would also hinder the law enforcement people from doing their job. In essence, how would they even know—upon stopping a person in question of some infraction—whether or not that person is an illegal immigrant? Would they have to ask that as a first question before asking to see a license? How might that person respond? If they weren't illegal, would the police perhaps then have a racial-profiling suit slapped against them? And, what about the taxpayer costs of jail time for any illegal person who may merit that?

Offering special protection to illegal immigrants is also a slap-in- the- face to the millions who have come, or are currently trying to come to the United States of America through the proper application for citizenship.

American citizens are documented from birth to death for good reasons: public health, schooling, working, driving, the census, voting, marriage, the draft, social security etc. It is foolish to think of screening and documenting all incoming people or the number of incoming people as unnecessary. If current illegals receive special protections and treatments, should citizens from other countries around the world have free and open access to the USA? Could some decide to sue for discrimination practices against them or their country of origin, as they may perceive favoritism being exhibited?

While there are many more things that could be said, there is one important thought to keep in mind: In any stable society there must be a balance of legal constraints and compassionate actions. Perhaps those who have such a passionate heart toward the illegal aliens now residing here would be wise to take this passion to the federal level and appeal for amnesty/declared citizenship for these people. Then there would be no need to have any secrecy or "sanctuary city".

A handwritten signature in cursive script, reading "Nancy Cate". The signature is written in black ink and is positioned to the right of the main text block.