



City of Keene, N.H.
Transmittal Form

November 14, 2017

TO: Mayor and Keene City Council

FROM: Thomas P. Mullins, City Attorney

ITEM: J.2.

SUBJECT: Relating to Ensuring that Keene is a Safe and Welcoming Community for all People Regardless of Race, Creed, Ethnicity, Religion or Immigration Status

COUNCIL ACTION:

In City Council November 16, 2017.

Memorandum was filed as informational.

Voted 6 in favor and nine opposed to refer back to committee, motion failed.

Voted 12 in favor and three opposed to adopt Resolution R-2017-40.

RECOMMENDATION:

That the City Council refer the attached Resolution R-2017-40, to Ensure that that Keene is a Safe and Welcoming Community for all People Regardless of Race, Color, Creed, Ethnicity, Religion or Immigration Status to the Finance, Organization and Personnel Committee for consideration and a recommendation back to City Council.

ATTACHMENTS:

Description

Resolution R-2017-40, to Ensure that Keene is a Safe and Welcoming Community for all People Regardless of Race, Creed, Ethnicity, Religion or Immigration Status

BACKGROUND:

A request from the Keene Immigrant and Refugee Partnership for consideration in adopting a resolution for the purpose of making Keene a safe and welcoming environment for all people was introduced to City Council and referred to the Finance, Organization and Personnel Committee where it was placed on more time to allow staff to work with KIRP in creating such a resolution. Attached is Resolution R-2017-40, for consideration.



CITY OF KEENE

R-2017-40

In the Year of Our Lord Two Thousand andSeventeen.....

A RESOLUTION A RESOLUTION TO ENSURE THAT KEENE IS A SAFE AND
WELCOMING COMMUNITY FOR ALL PEOPLE REGARDLESS OF RACE,
CREED, ETHNICITY, RELIGION OR IMMIGRATION STATUS

Resolved by the City Council of the City of Keene, as follows:

WHEREAS, the City of Keene has a long and rich history of welcoming and successfully integrating diverse groups of people, including various immigrant groups, into its civic life; and

WHEREAS, immigrants can in particular contribute essential skills as employees and entrepreneurs, thereby strengthening both our local economy and our cultural diversity, which is especially important in a state where the population is aging and many young people look elsewhere for economic and cultural opportunity; and

WHEREAS, the resources of the City are limited, and the funding of City services through local property taxes are an issue of extraordinary concern; and

WHEREAS, recent studies have shown that humane treatment of immigrants by local governments, including local law enforcement agencies, enhances cooperation, contributes to economic and social wellbeing, and lowers crime rates; and

WHEREAS, there have been a number of recent events involving racist intolerant behavior in our community which were addressed in a letter signed by community leaders including the Mayor, the Cheshire County Sheriff, the former Police Chief, and the SAU 29 Superintendent of Schools; and

WHEREAS, the City of Keene, acting through the City Council, adopted a Resolution Embracing Diversity and Denouncing Activities of Hate, Intolerance, and Intimidation in any form or manner; and

WHEREAS, the City of Keene is blessed with the legacy of Jonathan Daniels and the example he provided of fighting for justice and offering compassion for those in need; and

WHEREAS, The City of Keene Comprehensive Master Plan encourages us to work to provide outreach and education to all citizens to create an ethic of tolerance and general respect for others; and

WHEREAS, individuals may not be arrested, or detained except in accordance with the requirements of the Fourth Amendment to the United States Constitution, and Part 1, Article 19 of the New Hampshire Constitution, both of which prohibit the arrest, or the prolonged detention of an individual in the absence of a properly issued criminal

warrant, or probable cause that the individual has committed a criminal offense as defined by federal, state or local law; and

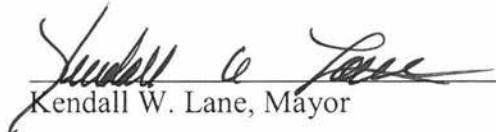
WHEREAS, individuals may not be temporarily detained or questioned except in accordance with the requirements of the Fourth Amendment to the United States Constitution, and Part 1, Article 19 of the New Hampshire Constitution, both of which require a reasonable suspicion, based on specific articulable facts, that the individual has been, or is about to be engaged in, criminal activity; and

WHEREAS, the Tenth Amendment to the United States Constitution prohibits the Federal Government from compelling States, and by extension the political subdivisions thereof, from employing local resources to administer and enforce Federal programs, including Federal immigration and naturalization programs;

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY OF KEENE:


Will encourage that the following policies be adopted within the City of Keene:

1. To only inquire into the immigration or citizenship status of an individual where the inquiry relates to a legitimate City purpose as required by federal, state, or local law that is otherwise unrelated to the enforcement of a civil immigration law.
2. To only assist U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP) in actions intended to enforce federal immigration statutes when required to do so by a federal, state or local law that has been deemed enforceable against the City, or required of the City, by a judicial court with competent jurisdiction over the City.
3. To only cooperate with ICE or CBP in a request to detain or to report an individual when required to do so by a federal, state or local law that has been deemed enforceable against the City, or required of the City, by a judicial court with competent jurisdiction over the City.


Kendall W. Lane, Mayor

PASSED November 16, 2017

A true copy;
Attest:


Deputy City Clerk