

SUBSTITUTE
37280

RESOLUTION No.

Authorize City Attorney to join as a party in litigation challenging President's Executive Order on Sanctuary Cities. (Resolution)

WHEREAS, On March 22, 2017, the Council adopted Resolution 37277, to "Declare the City of Portland a Welcoming City, a Sanctuary City, and an Inclusive City for all"; and

WHEREAS, Resolution 37277 further declares that that the City of Portland embraces, celebrates, and welcomes the collective contributions of all persons cherishing and respecting people every of race, color, national origin, immigration or refugee status, heritage, culture, religion, sex, gender identity and gender expression, sexual orientation, ability, age, and economic status; and

WHEREAS, Resolution 37277 further declares that the City will continue to, in a manner consistent with state and federal law, prohibit the use of City funds, personnel or equipment to enforce federal immigration law; and

WHEREAS, On January 25, 2017, the President of the United States promulgated Executive Order No. 13768, 82 Fed. Reg. 8799, to strip federal funding from cities and other local governments that refuse to assist the federal government in effectuating its immigration enforcement policies; and

WHEREAS, Section 9 of Executive Order No. 13768 purports to give the United States Secretary of Homeland Security broad discretion to determine which cities are "sanctuary" cities subject to the penalties of the Executive Order and further directs the Attorney General of the United States to "take appropriate enforcement action" against any city that "has in effect a statute, policy, or practice that prevents or hinders the enforcement of federal law"; and

WHEREAS, On March 1, 2017, the Council adopted Resolution 37272, authorizing the City Attorney to join amicus efforts supporting the humane treatment of all persons, regardless of their immigration status; and

WHEREAS, The City of Seattle has commenced an action in the United States District Court for the Western District of Washington, seeking a declaration that section 9 of the Executive Order is unconstitutional; and

WHEREAS, The City of Portland is the recipient of millions of dollars of federal grants that could be jeopardized by Executive Order No. 13768 and, therefore, has a direct stake in the outcome of litigation challenging the legality of that Executive Order; and

WHEREAS, It therefore is in the interest of the City of Portland to vindicate its interests in challenging Executive Order No. 13768 as a party, rather than as an amicus; and

WHEREAS, In the event it either is not possible or is not advantageous for the City to join in Seattle's lawsuit, the City of Portland should seek an independent determination as to the lawfulness of Executive Order No. 13768.

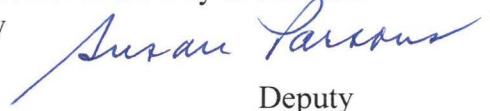
NOW, THEREFORE, BE IT RESOLVED, that the City Attorney or the City Attorney's designee is authorized to appear, on behalf of the City of Portland, to seek to have the City join as a plaintiff in *City of Seattle v. Donald J. Trump, etc., et al.*, United States District Court (Western Washington) Case No. 2:17-cv-00497, or to bring an independent action on behalf of the City of Portland in any court of competent jurisdiction, and to prosecute such action to conclusion, at trial and on appeal, on behalf of the City of Portland.

Adopted by the Council: APR 12 2017

Commissioner: Mayor Wheeler
Prepared by: Harry Auerbach
Date Prepared: April 3, 2017

Mary Hull Caballero
Auditor of the City of Portland

By


Deputy

Agenda No.
RESOLUTION NO.
Title

37280

Authorize City Attorney to Join as a Party in Litigation Challenging President's Executive Order on Sanctuary Cities. (Resolution)

INTRODUCED BY Commissioner/Auditor: Mayor Wheeler	CLERK USE: DATE FILED <u>APR 10 2017</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Wheeler <i>WD</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <u><i>[Signature]</i></u> Deputy
BUREAU APPROVAL Bureau: City Attorney Bureau Head: Tracy Reeve <i>[Signature]</i> Prepared by: Harry Auerbach Date Prepared: April 3, 2017 Financial Impact Statement & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan. <i>[Signature]</i> Council Meeting Date April 12, 2017	ACTION TAKEN:

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion) CONSENT <input type="checkbox"/> REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 5 minutes (for presentation, testimony and discussion)
--

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	<u> </u>	<u> </u>
2. Fish	✓	
3. Saltzman	<u> </u>	<u> </u>
4. Eudaly	✓	
Wheeler	✓	