

## IMPACT STATEMENT

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

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### **Purpose of proposed legislation and background information:**

This Resolution will authorize the City, through the City Attorney or her designee, to join as a party in a lawsuit brought initially by the City of Seattle to challenge the constitutionality of President Trump's Executive Order threatening federal funding for cities that the Administration determines to be "sanctuary" cities, i.e., those who do not assist the federal government's attempts to enforce the immigration laws. Oregon statute, ORS 181A.820, limits the assistance that local law enforcement agencies may provide. The Council has adopted Resolution 37277, declaring the City as a welcoming city, a sanctuary city and an inclusive city, and directing, to the extent consistent with state and federal law, that City funds, personnel or equipment not be used to enforce federal immigration law. The City has almost \$29 million in federal grants in FY 16-17 that potentially could be in jeopardy. The purpose of this legislation is to authorize the City to challenge the constitutionality of the Executive Order directly, as a party, by joining as a plaintiff in Seattle's lawsuit.

### **Financial and budgetary impacts:**

The intended impact of this Resolution is to get a judicial determination that protects the integrity of the City's federal grants, which, in FY 16-17, total some \$29 million. The costs involved should be minimal, as the City Attorney's Office will handle much of the work in-house, and has received an offer of pro bono legal work on this matter from a highly reputable firm which can act as local counsel in the Western District of Washington, where the lawsuit has been brought. Therefore, the only anticipated out-of-pocket costs, for such things as filing fees, copies, transcripts and other incidental costs, probably will not exceed a few thousand dollars. Normally, litigation expenses are borne by the Bureau for whom the litigation is pursued. The City Attorney believes the Office has sufficient funds in the current budget to absorb any out-of-pocket expenses incurred through June 30, 2017. In the event that expenses exceed what the City Attorney can absorb, OMF is the appropriate client bureau, and the City Attorney will work with OMF to ensure that sufficient money is available to pay any remaining litigation expenses.

### **Community impacts and community involvement:**

This Resolution is intended to protect the interests of all communities in Portland, by safeguarding the federal funds that are essential to the City's ability to carry on a variety of work on their behalf. In particular, the litigation is intended to safeguard our vulnerable immigrant

communities and the contributions they make to the overall economic and social well-being of Portland, and to encourage their ability to cooperate and communicate safely with Portland Police and other law enforcement agencies, in order to promote public safety. Because of the immediacy of the litigation and in light of its consistency with the policy of the Council, as reflected in Resolution 37277, we have not done public outreach on this item.

### Budgetary Impact Worksheet

**Does this action change appropriations?**

☐ YES: Please complete the information below.

☒ NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount