

O-1-17

Non-Discrimination Foreign-Born Residents

Littmann, Pfeiffer, Finlayson, Kirby, Arnett and Budge Proposed Amendments

AMENDMENT #1

Page 1, strike lines 2-5 and substitute with “**EQUAL PROTECTION - FOR THE PURPOSE OF AMENDING THE CODE OF THE CITY OF ANNAPOLIS IN ACKNOWLEDGEMENT THAT ALL PERSONS ARE DUE EQUAL PROTECTION UNDER LAW; AND THAT THE CITY SHALL TREAT A PERSON OR CLASS OF PERSONS THE SAME AS IT TREATS OTHER PERSONS OR CLASSES IN LIKE CIRCUMSTANCES.**”

Rationale:

Page 1, lines 2-7, revises the preamble to refer to equal protection.

AMENDMENT #2

Page 1, line 12 after “Kirby” strike “, and”; after “Arnett” insert “**AND ALDERMAN BUDGE**”

Rationale:

Adds Alderman Budge as a sponsor.

AMENDMENT #3

Page 1, strike lines 21-26 and substitute with “**EQUAL PROTECTION - FOR THE PURPOSE OF AMENDING THE CODE OF THE CITY OF ANNAPOLIS IN ACKNOWLEDGEMENT THAT ALL PERSONS ARE DUE EQUAL PROTECTION UNDER LAW; AND THAT THE CITY SHALL TREAT A PERSON OR CLASS OF PERSONS THE SAME AS IT TREATS OTHER PERSONS OR CLASSES IN LIKE CIRCUMSTANCES.**”

Rationale:

Revises language to refer to equal protection, but without reference to aliens.

AMENDMENT #4

Page 1, line 35 strike “culturally”; line 36 strike “foreign-born”; after “residents” insert ‘AND VISITORS FROM DIFFERENT PARTS OF THE WORLD AND DIFFERENT CULTURAL BACKGROUNDS’

Rationale:

Removes the reference to foreign-born residents to make it more general.

AMENDMENT #5

Page 1, line 37 insert “WHEREAS, THE CITY HAS A COMPELLING INTEREST IN ADDRESSING PUBLIC SAFETY CONCERNS FOR ALL RESIDENTS AND VISITORS; AND

WHEREAS, PUBLIC SAFETY IS ENHANCED WHEN RESIDENTS AND VISITORS COOPERATE WITH CITY LAW ENFORCEMENT OFFICIALS IN THE INVESTIGATION OF CRIMES TO WHICH SUCH RESIDENTS OR VISITORS ARE VICTIMS OR WITNESSES; AND

WHEREAS, THE CITY OF ANNAPOLIS ENCOURAGES ALL INDIVIDUALS TO REPORT CRIMES TO CITY LAW ENFORCEMENT OFFICIALS; AND

AMENDMENT #6

Page 1, strike lines 38-44.

Rationale:

Removes reference to foreign-born residents and the specific group of Hispanics and Latinos, and emphasizes justification on public safety.

AMENDMENT #7

Page 2, strike lines 4-5; line 7 strike “the United States Constitution vests in”; after “government” strike “the” and insert “RETAINS EXCLUSIVE”; line 9 after “stay” strike the “period” and insert “; AND”

AMENDMENT #8

Page 2, line 10 insert “WHEREAS, THE CITY HAS THE AUTHORITY TO ENACT LAWS NOT IN CONFLICT WITH LAWS THROUGH WHICH THE FEDERAL GOVERNMENT RETAINS JURISDICTION OVER CERTAIN MATTERS.

AMENDMENT #9

Page 2, line 19 strike “OF FOREIGN BORN RESIDENTS”

AMENDMENT #10

Page 2, lines 24-25 strike “VERBAL, PHYSICAL, NONVERBAL OR VISUAL INTERACTION, OR CONDUCT OF A DISCRIMINATORY NATURE, OR”; line 26 strike “COLOR,”; line 26 after “STATUS,” insert “GENDER, SEXUAL ORIENTATION, ETHNICITY,”; line 27 after “English” strike the “period” and insert “WHICH, WHEN APPLIED TO THE CITY CODE OF ANNAPOLIS OR LAWS ENFORCEABLE BY THE CITY OF ANNAPOLIS, FAILS TO TREAT ALL PERSON EQUALLY.”

Rationale:

Revises the definition of discrimination to take out "discriminatory nature", which made it circular; adds gender, sexual orientation, and ethnicity to areas where one can't discriminate.

AMENDMENT #11

Page 2, strike lines 35-38 and insert “A CITY EMPLOYEE UTILIZES CITY MONIES, FACILITIES, PROPERTY, EQUIPMENT, OR PERSONNEL TO INVESTIGATE, ENFORCE, OR ASSIST IN THE INVESTIGATION OR ENFORCEMENT OF ANY FEDERAL PROGRAM REQUIRING REGISTRATION OF INDIVIDUALS ON THE BASIS OF RACE, GENDER, SEXUAL ORIENTATION, RELIGION, ETHNICITY, OR NATIONAL ORIGIN.

Rationale:

This is the section stating examples of discrimination, and it revises language to keep City resources from being used to enforce federal programs unless required by law.

AMENDMENT #12

4. Page 3, strike lines 4-6 and insert “A CITY EMPLOYEE UTILIZES CITY MONIES, FACILITIES, PROPERTY, EQUIPMENT, OR PERSONNEL TO INQUIRE WITH ANY

GOVERNMENTAL AGENCY REGARDING THE IMMIGRATION STATUS OF ANY INDIVIDUAL, UNLESS SUCH INQUIRY IS REQUIRED BY LAW.

5. A CITY EMPLOYEE ACCESSES CONFIDENTIAL INFORMATION ABOUT AN INDIVIDUAL, INCLUDING, BUT NOT LIMITED TO, THAT INDIVIDUAL'S RACE, GENDER IDENTIFICATION, SEXUAL ORIENTATION, RELIGION, ETHNICITY, NATIONAL ORIGIN, IMMIGRATION STATUS, AND/OR ABILITY TO SPEAK ENGLISH, UNLESS SUCH EMPLOYEE IS AUTHORIZED TO ACCESS SUCH INFORMATION AND DOES SO SOLELY FOR PURPOSES RELATED TO THE EXERCISE OF THEIR DUTIES AS A CITY EMPLOYEE."

AMENDMENT #13

Page 3, line 25 after "IMMIGRATION" insert "OR CITIZENSHIP"; line 28 strike "NOT USED FOR ANY PURPOSE RELATED TO IMMIGRATION ENFORCEMENT ACTIVITIES" AND insert "KEPT CONFIDENTIAL"

AMENDMENT #14

Page 3, line 31 strike "DISCRIMINATING" and insert "TAKING ACTION"; line 34 after "BENEFIT" insert "AND SUCH ACTION COMPLIES WITH ALL RELEVANT STATE, LOCAL AND FEDERAL LAW"

AMENDMENT #15

Page 3, line 35 insert "6. COMPLYING WITH THE PROVISIONS OF 8 U.S.C. SECTION 1373 REGARDING THE VOLUNTARY EXCHANGE OF INFORMATION WITH FEDERAL IMMIGRATION AUTHORITIES, PROVIDED THAT SUCH EXCHANGE DOES NOT IMPERMISSIBLY UTILIZE CITY MONIES, FACILITIES, PROPERTY, EQUIPMENT, OR PERSONNEL."

Rationale:

Amendments 12 through 15 address sections that describe exemptions and adds language to make clear that City employees can comply with 8 USC Section 1373 without violating the code and ordinance. This the section referenced in the Executive Order regarding sanctuary cities so the added language should remove any doubt about those concerns.

AMENDMENT #16

Page 3, line 44 strike "HAVE BEEN DETERMINED TO BE IN VIOLATION OF" and insert "VIOLATE"; line 46 after "AND" insert "ARE SUBJECT TO"

Rationale:

Grammatical changes.

AMENDMENT #17

Page 4, line 7 insert “**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL THAT IF ANY PROVISION, CLAUSE, SECTION, PART OR APPLICATION OF THIS ORDINANCE TO ANY PERSON OR CIRCUMSTANCE IS DECLARED INVALID BY ANY COURT OF COMPETENT JURISDICTION, SUCH INVALIDITY SHALL NOT AFFECT, IMPAIR, OR INVALIDATE THE REMAINDER HEREOF OR ITS APPLICATION TO ANY OTHER PERSON OR CIRCUMSTANCE. IT IS HEREBY DECLARED THAT THE LEGISLATIVE INTENT OF THE CITY COUNCIL THAT THIS ORDINANCE WOULD HAVE BEEN ADOPTED HAD SUCH INVALID PROVISION, CLAUSE, SECTION, PART OR APPLICATION NOT BEEN INCLUDED HEREIN.**”; line 8 strike “**II**” AND INSERT “**III**”

Rationale:

This amendment adds a severability clause so that if the ordinance is challenged and a portion is later struck down, the remainder stays in place.

EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments