

Ordinance No. 8-17

ORDINANCE:

To amend Chapter 11 of the Rockville City Code entitled "Human Rights" so as to add a new Section 11-3 entitled "Fostering Community Trust"

WHEREAS, the City of Rockville prides itself on its diversity and has a long history of welcoming individuals of diverse racial, ethnic, religious, and national backgrounds, including immigrants;

WHEREAS, according to most recent census data, more than 45% of residents of the City of Rockville are Hispanic/Latino, Asian, African-American, or multi-racial;

WHEREAS, the Mayor and Council affirms the dignity of all City residents and recognizes the importance of their contributions to our social, religious, cultural, and economic life;

WHEREAS, fostering a relationship of trust, respect, and open communication between the City and its residents is essential to the City's ability to deliver efficient public services and to ensure the public safety of all residents;

WHEREAS, the City of Rockville seeks to continue to foster trust, respect, and cooperation between residents and City officials, including law enforcement officers and employees, and to ensure public safety and due process for all;

WHEREAS, the enforcement of civil immigration laws has historically been the responsibility of the federal government;

WHEREAS, current federal immigration law does not require local governments to enforce federal civil immigration laws;

WHEREAS, the City of Rockville follows all federal laws applicable to the City of Rockville;

WHEREAS, it has long been an informal policy of the City of Rockville that law enforcement officers would not ask for the immigration status of any person or enforce any federal civil immigration detainer requests;

WHEREAS, by codifying the City of Rockville's informal policy, Rockville residents will be ensured that City of Rockville employees and law enforcement officers will follow certain procedures when interacting with and providing services to the public;

WHEREAS, in keeping with the City of Rockville's dedication to protecting and respecting all persons, regardless of immigration status, the Mayor and Council now desires to enact specific provisions consistent with the City of Rockville's long-standing commitment to social justice and inclusion;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, that Chapter 11 of the Rockville City Code entitled "Human Rights" be amended by add a new section 11-3 to read as follows:

CHAPTER 11. HUMAN RIGHTS

Article 1. In General

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Section 11-3 – Fostering Community Trust

- (a) Purpose and Intent – The Mayor and Council of Rockville finds that an atmosphere of trust and cooperation between City departments, officers, employees, and agents and all residents, regardless of federal immigration status is essential to advancing the City's mission, vision, and guiding principles, including community safety, support for youth and education, economic development, and financial stability. The City has a strong commitment to social justice and inclusion and one of the City's most important objectives is to enhance the quality of life of all of its residents, including immigrants. The purpose of this section is to establish how the City handles information concerning immigration status of any person in connection with federal civil immigration laws.
- (b) Requesting Immigration Status Prohibited – No City department, official, officer, employee, or agent can request, investigate, or assist in the investigation of the citizenship or immigration status of any person unless such inquiry or investigation is required by federal, state, or local law or judicial decision.
- (c) Disclosure of Immigration Status Discouraged – Except when required under applicable federal or state law, City officials, officers, employees, and agents are encouraged to not disclose the citizenship or immigration status of any person.
- (d) Immigration Enforcement – No City department, official, officer, employee, or agent can arrest, detain, or continue to detain any person:
 - (1) based on any immigration detainer or federal administrative warrant, when such immigration detainer or administrative warrant is based solely on a violation of federal civil immigration law; or
 - (2) based solely on the belief that the person is not present legally in the United States, or that the person has committed a civil immigration violation.
- (e) City Services – No City department, official, officer, employee, or agent, in the performance of official duties, can discriminate against any person on the basis of citizenship or immigration status.

- (f) Threats Based on Immigration Status Prohibited – No City department, official, officer, employee, or agent can:
- (1) coerce any person based upon the actual or perceived citizenship or immigration status of a person; or
 - (2) communicate a threat to deport any person under circumstances that reasonably tend to produce a fear that the threat will be carried out.
- (g) Mayor and Council Approval Required for Certain Agreements – The City will not enter any agreement with the federal government or any federal agencies under 8 U.S.C. § 1357(g) or any other federal law that permits local government entities to enforce federal civil immigration laws unless the agreement is approved by the Mayor and Council.
- (h) Nothing in this section prohibits the Rockville City Police Department from carrying out its mandated duty to apprehend violators of the criminal law and does not prohibit the Rockville City Police Department from assisting any federal agency with investigations or arrests relating to criminal activity and suspected criminal activity other than violations of the immigration and nationality laws of the United States.
- (i) City Manager Duties – The City Manager must take reasonable measures to ensure that all City departments, officials, officers, employees, and agents are aware of the provisions of this ordinance.
- (j) No Private Right of Action – This ordinance does not create a private right of action or form the basis of any claim against the City and does not create any liability for the City. The City includes, without limitation, its departments, officials, officers, employees, and agents.

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Note: Underlining indicates material added
Asterisks * * * indicate material unchanged by this ordinance
Double underling indicates material added after introduction

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I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of June 19, 2017.



Kathleen Conway, City Clerk/Director of
Council Operations