Enacting §2-114, Welcoming Town
Sponsored by: Councilmember Verrill

LEGISLATIVE RESOLUTION 20-O-02

Resolution and Ordinance of the Town of University Park to amend Chapter 2 "General Administration", by enacting §2-114, "Welcoming Town" of the Code of Ordinances of the Town of University Park, to regulate how immigration status information is obtained, used and retained and to make provision for Town benefits and services without regard to immigration status.

WHEREAS, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the Mayor and Common Council of University Park (hereinafter, the "Town") have the power to adopt such ordinances as it deems necessary to protect the health, safety and welfare of the residents of the Town and to prevent and remove nuisances; and

WHEREAS, the Mayor and Common Council have adopted a Welcoming Town policy; and

WHEREAS, public safety is enhanced when members of the community cooperate with Town law enforcement officers in the investigation of crimes; and

WHEREAS, the Mayor and Council have determined that the community is strengthened by the Town providing benefits, services, and opportunities to individuals regardless of their citizenship or immigration status to the extent permitted by law; and

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EXPLANATION:
CAPITALS INDICATE MATTER ADDED TO EXISTING LAW
[~~Brackets~~] indicate matter deleted from existing law
* * Asterisks* * indicate existing law which are unchanged but not set forth in the ordinance
CAPITALS INDICATE MATTER ADDED BY AMENDMENT TO THE PROPOSED ORDINANCE
~~[Brackets]~~ indicate matter deleted by amendment to the proposed ordinance

WHEREAS, it is the Mayor and Council's intent to maintain trust between members of the community and the Town while ensuring public safety goals are met.

Section 1: NOW THEREFORE be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2, "General Administration", §2-114, "Welcoming Town" of the Code of the Town of University Park, be enacted to read as follows:

§2-114 **WELCOMING TOWN**

A. **IN GENERAL**. EXCEPT AS AUTHORIZED IN THIS SECTION, NO TOWN OFFICIAL OR EMPLOYEE MAY:

(1) INQUIRE INTO AN INDIVIDUAL'S CITIZENSHIP OR IMMIGRATION STATUS;

(2) ACT BASED SOLELY ON THE INDIVIDUAL'S CITIZENSHIP OR IMMIGRATION STATUS;

(3) UTILIZE OR ALLOW TO BE UTILIZED TOWN RESOURCES TO SUPPORT FEDERAL CIVIL IMMIGRATION ENFORCEMENT OPERATIONS OR ACTIVITIES;

(4) DETAIN OR ARREST AN INDIVIDUAL BASED SOLELY ON KNOWN OR SUSPECTED VIOLATIONS OF FEDERAL CIVIL IMMIGRATION LAW;

(5) UTILIZE ANY INDIVIDUAL'S CITIZENSHIP OR IMMIGRATION STATUS AS AN INTERROGATION TOOL OR TACTIC, OR COMMUNICATE TO A SUSPECT, DETAINEE, OR ARRESTEE THAT ANY INDIVIDUAL'S ABILITY TO REMAIN WITHIN THE UNITED STATES OF AMERICA MAY BE IN JEOPARDY;

(6) ENTER INTO AN AGREEMENT UNDER 8 U.S.C. § 1357(G) OR ANY OTHER FEDERAL LAW THAT PERMITS STATE OR LOCAL GOVERNMENTAL ENTITIES TO ENFORCE FEDERAL CIVIL IMMIGRATION LAWS OR DETAINERS; OR

(7) PARTICIPATE IN ENFORCEMENT OF CIVIL DETAINERS OR OTHER VIOLATIONS OF THE FEDERAL CIVIL IMMIGRATION AND NATIONALITY LAWS.

B. AUTHORIZED POLICE ACTIONS

NO PROVISION IN THIS SECTION PREVENTS:

(1) THE TOWN'S POLICE DEPARTMENT, OR ANY OTHER TOWN OFFICIAL OR EMPLOYEE, FROM INVESTIGATING, DETAINING, OR ARRESTING VIOLATORS OF THE CRIMINAL LAW OR ASSISTING ANY LAW ENFORCEMENT AGENCY WITH INVESTIGATIONS OR ARRESTS RELATING TO CRIMINAL ACTIVITY AND SUSPECTED CRIMINAL ACTIVITY.

(2) COMPLIANCE WITH THE PROVISIONS OF 8 U.S.C. §1373.

C. TOWN BENEFITS

UNLESS OTHERWISE REQUIRED BY FEDERAL LAW, STATE LAW, THE TOWN CODE, OR COURT ORDER, THE PROVISION OF TOWN BENEFITS, OPPORTUNITIES, OR SERVICES MAY NOT BE CONDITIONED:

(1) ON A PERSON'S CITIZENSHIP OR IMMIGRATION STATUS; OR
(2) BASED SOLELY ON THE ABILITY OF THE PERSON TO PROVIDE A DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED BY THE STATE OF MARYLAND.

D. REQUEST FOR AND RETENTION OF INFORMATION

(1) THE TOWN MAY NOT REQUEST OR RETAIN INFORMATION RELATED TO AN INDIVIDUAL'S CITIZENSHIP OR IMMIGRATION STATUS, EXCEPT FOR INFORMATION REQUIRED FOR VOTING OR EMPLOYMENT, UNLESS REQUIRED BY FEDERAL LAW, STATE LAW, THE TOWN CODE, OR COURT ORDER.

(2) NO PROVISION IN THIS SECTION SHALL BE CONSTRUED AS PREVENTING ANY OFFICIAL OR EMPLOYEE FROM COMPLYING WITH 8 U.S.C. § 1644.

E. CONSTRUCTION.

THIS SECTION SHALL BE CONSTRUED TO COMPLY WITH FEDERAL LAW, STATE LAW, THE TOWN CODE, AND ANY APPLICABLE COURT ORDER. THIS SECTION DOES NOT PROHIBIT DISCLOSURE OF INFORMATION REGARDING CITIZENSHIP OR IMMIGRATION STATUS IF THE DISCLOSURE IS:

(1) REQUIRED OR AUTHORIZED BY FEDERAL LAW, STATE LAW, THE TOWN CODE, OR COURT ORDER;
(2) AUTHORIZED IN WRITING BY THE SUBJECT OF THE INFORMATION; OR
(3) RELATED TO THE TOWN'S ELIGIBILITY REQUIREMENTS FOR EMPLOYMENT AND/OR EMPLOYEE BENEFITS.

Section 2. Be it further resolved that this resolution shall become effective twenty (20) days after enactment by the Mayor and Common Council of University Park.

Section 3. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within

this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

Section 4: Be it further resolved that a complete and exact copy of this proposed Ordinance shall be posted on the entrance door of the Town Building of University Park, Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper having general circulation in the community.

APPROVED this 2nd day of March, 2019.

ATTEST:

Andrea S Marcantch

MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK

By: _____
Lenford C. Carey, Mayor

APPOVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Suellen M. Ferguson, Town Attorney