



AGENDA
FAIR & IMPARTIAL POLICING TASK FORCE
TUESDAY, JUNE 23, 2020 – 7:00PM
REMOTE VIA MICROSOFT TEAMS
LebanonNH.gov/LIVE

1. **CALL TO ORDER:** The June 23, 2020 Fair & Impartial Policing Task Force Meeting is hereby called to order.
2. **ACCEPTANCE OF MINUTES:** June 9, 2020
3. **DISCUSSION ITEMS:**
 - A. Task Force Charge & Scope of Work
 - B. Proposed Language from Welcoming Lebanon Committee
 - C. Memo from Attorney Bernie Waugh
4. **PUBLIC TESTIMONY:**
5. **OTHER BUSINESS:**
6. **ADJOURNMENT.**

Due to the current situation with the COVID-19 Pandemic, the City of Lebanon is offering its meetings via Microsoft Teams. Members of the public are encouraged to attend by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the Microsoft Teams software or by phone. Please visit LebanonNH.gov/Live for full details.

THE AGENDA, IN ITS ENTIRETY IS AVAILABLE ON THE CITY'S WEBSITE AT LEBANONNH.GOV

FAIR AND IMPARTIAL POLICING TASK FORCE

Legal counsel for the City has determined that some of the provisions of the “Welcoming Lebanon” ordinance approved by the voters on March 10, 2020 are contrary to either Federal or State law. There are other provisions in the ordinance that require minor clarification for purposes of internal consistency and enforceability.

PURPOSE

A Fair and Impartial Policing Task Force is hereby created to study and propose amendments to the “Welcoming Lebanon” ordinance as approved by the voters on March 10, 2020.

TASKS

1. Propose amendments to the ordinance recently passed which would make it compliant with applicable Federal and State laws, rules and regulations. Further, that the original purpose of the measures remain intact to the extent possible.
2. Reformat the ordinance so it is easily codified as part of the Code of the City of Lebanon, to be known as “Chapter 65 Fair and Impartial Policing”. The proposed amended language should include the following sections;
 - a. Declaration of Purpose
 - b. Definitions
 - c. Application (who the code provisions apply to)
 - d. Specific provisions of the code
3. Submit proposed amendments in writing to the Council no later than September 15, 2020.

MEMBERSHIP

The task force shall consist of volunteers who shall serve without compensation and in conformance with City policies and procedures. The Council is in agreement that the Mayor will appoint residents of the City of Lebanon to the following positions on the task force;

(2) City Councilors

(2) Members of the “Welcoming Lebanon” petition committee who are also Lebanon residents

(3) Members of the general public

The Mayor shall appoint the Chairperson and Vice-Chairperson from the seven members on the task force. The task force Chairperson shall coordinate with the City Manager for staff support and assistance of legal counsel. The task force is solely an advisory body created to provide recommendations to the City Council for possible consideration. The task force shall comply with the provisions of RSA 91-A and emergency orders relative thereto issued by the Governor regarding the COVID-19 pandemic.

PROPOSED REVISION OF THE PURPOSE/INTENT OF THE WELCOMING LEBANON ORDINANCE

Proposal: Use the following language from the City's June 2018 Resolution for Inclusiveness as a basis for the Purpose/Intent of the Welcoming Lebanon Ordinance. This language clarifies unbiased policing and provision of City services as key to the ordinance.

“Whereas The City Council of Lebanon wishes to act in accord with the City's Master Plan, Principles for Sustainability and Guiding Principles in preserving the public trust and promoting community identity, civic pride, and quality of life for all residents regardless of race, skin color, national or ethnic origin, gender identity, sexual orientation, mental or physical disability, religious or political opinion or activity, immigration status or housing status; and

Whereas The City Council of Lebanon wishes to take a leading role in protecting civil liberties, promoting tolerance, and providing equal protection under the law to all persons in the City.”

Proposed Purpose/Intent

The people of Lebanon voted by Citizens' Initiative Ballot measure to enact the Welcoming Lebanon Ordinance. The purpose of this Ordinance is to establish the City's procedures concerning its residents' immigration status and its responsibilities and powers regarding federal civil immigration enforcement.

(Please note that the words in bold are additions or revisions to the Resolution's language.)

This Ordinance gives substance to the sentiments in the City of Lebanon's "Resolution for Inclusiveness" proclaimed by the City Council on June 20, 2018 and commits the City to preserve the public trust, affirm human rights and constitutional rights, and promote community identity, civic pride, and quality of life for all people regardless of race, skin color, national or ethnic origin, **cultural group, language, gender identity or expression, sexual orientation, mental or physical ability, age,** religious or political opinion or activity, **economic status**, immigration status, or housing status. The City of Lebanon commits to protecting civil liberties, promoting tolerance, and providing equal protection under the law to all persons in the city. Such protections strengthen trust and collaboration among community members in keeping all residents and visitors safe.

Furthermore, the City recognizes that a person's presence in the United States without documents is not a crime and that the City presently lacks the legal authority to enforce noncriminal civil violations of federal immigration law.

Eliminate the paragraph: (The cooperation of all persons.....)

Due to the City's limited resources; the complexity of immigration laws; the clear need to foster the trust of and cooperation from the public, including members of the immigrant communities; and to effectuate the City's goals, we find that there is a need to articulate guidelines regarding the relationship between the City and the federal government and to clarify the federal Constitutional protections Lebanon has against federal agencies commandeering its resources.