

**AGENDA
LEBANON CITY COUNCIL
MAY 6, 2020**

9. NEW BUSINESS:

9.C – CREATION OF TASK FORCE: FAIR AND IMPARTIAL POLICING

BACKGROUND

On March 10, 2020, the voters of Lebanon passed a “Welcoming Lebanon” ordinance with the purpose and intent to establish the City’s procedures concerning immigration status and enforcement of federal civil immigration laws.

A legal review of the proposed ordinance provided concerns with some of the provisions, in that they can be construed as contrary to either Federal or State law.

During the review of the ordinance at the January 22, 2020 Public Hearing, there was discussion about the Council’s desire to work with members of the community to correct language within the ordinance that both preserves the intent and produces a lawfully compliant regulation. In order to achieve this, it is suggested that a task force be established that includes members of the Council, members of the Welcoming Lebanon Petition Committee, and members of the general public.

Please see attached Task Force Request form for proposed Purpose, Tasks, and Membership of the task force.

ACTION

Should the council wish to establish a Task Force to address changes to the Welcoming Lebanon Ordinance, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby establishes, “Fair and Impartial Policing Task Force” a task force created to study and propose amendments to the Welcoming Lebanon Ordinance as approved by the voters on March 10, 2020. Members of the Task Force will be appointed by the Mayor and will be comprised of the following:

- (2) City Councilors***
- (2) Members of the “Welcoming Lebanon” Petition Committee who are also Lebanon Residents***
- (3) Members of the General Public***

Included in this Section:

1. Task Force Request Form – Fair and Impartial Policing

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TASK FORCE REQUEST FORM FAIR & IMPARTIAL POLICING

The overall purpose of any task force is to ensure that the City of Lebanon has the right groups working on the right issues at the right time and that those activities complement the City's work plan, Master Plan and budget strategies.

Name of Task Force: Fair and Impartial Policing Task Force

Date created: 5/6/2020

Date of Council approval: 5/6/2020

Duration of task force activities: 6 months

Task force's defined objective/goal/outcome: 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.

The Fair and Impartial Policing Task Force is not applicable to the City of Lebanon Master Plan.

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.

Sunset Date: 12/31/2020

City Council Action:

- Sunset report presented, accepted and task force disbanded _____(Date)
- Sunset report presented, accepted and task force work scheduled for extension/modification pending completion and acceptance of a new task force template form. _____(Date)