

City of Salem

FIRST PASSAGE

In the year Two Thousand and Seventeen

An Ordinance relative to providing city services regardless of immigration status and the formation of an Inclusionary Advisory Committee.

Be it ordained by the City Council of the City of Salem, as follows:

Section 1. Chapter 2- Administration is hereby amended by adding the following new Article:

“ARTICLE XVII. CITY SERVICES RELATED TO IMMIGRATION STATUS;
INCLUSIONARY ADVISORY COMMITTEE

Sec. 2-2060. Purpose.

To reaffirm existing policies and provide guidance to City employees on protecting all residents’ access to police protection and public services.

Sec. 2-2061. Preamble.

WHEREAS, Salem is a welcoming City that serves and protects its residents regardless of their immigration status and country of origin;

WHEREAS, in Salem, all people, including immigrants and refugees, are valued contributors and are vital to our shared prosperity;

WHEREAS, according to the latest United States Census Data, approximately 26% of Salem residents describe themselves as Hispanic/Latino, Black/African American, Asian, American Indian/Alaskan Native or Native American or are comprised of two or more races;

WHEREAS, 15% of Salem residents have a country of origin outside the United States and are proud to call Salem their home and live peacefully as our neighbors, colleagues, and friends;

WHEREAS, Salem Public Schools currently teach students who speak 33 different languages, reflecting the approximately 1,200 students within the Salem school district for whom English is not their first language;

WHEREAS, we know there are youth living in Salem and/ or attending Salem State University that have received temporary status through the Deferred Action for Childhood Arrivals (DACA) program and they deserve an opportunity to have a bright future and to

contribute their time and talent to make Salem a prosperous City of innovation and growth;

WHEREAS, the vitality of the City of Salem, increasingly ethnically, racially and religiously diverse and has been built on the strength of its immigrant communities;

WHEREAS, The City and its public safety personnel value and recognize that the cooperation of and communication with all persons, both documented citizens and those without documentation status, is essential to achieve the City's goals of ensuring the health, safety, and welfare of all, and the protection of life and property, the prevention of crime and the resolution of problems;

WHEREAS, Salem desires to maintain and foster a culture and environment where our immigrant and refugee residents can fully participate in and be integrated into the social, civic, and economic fabric of their adopted City;

WHEREAS, the City of Salem does not believe in the unwarranted identification, detention, and deportation of residents in good standing and/or the separation of families that may result;

WHEREAS, no person living, visiting or working in Salem should ever fear calling public safety personnel for assistance; and

Now therefore, be it Ordained by the City of Salem:

Sec. 2-2062. Policy.

(a) City employees shall serve all residents and City services shall be accessible to all residents, regardless of immigration status or identity, including ancestry, race, ethnicity, country of origin, color, age, sex, sexual orientation, gender variance, marital status, physical or mental disability, or religion, unless providing such service is prohibited by State or Federal statute, regulation, or court decision.

(b) City employees, with the exception of Police Officers who shall abide by Police Department Policy, shall not ask for information about immigration status in the performance of daily tasks unless required to do so by Federal or State statute, regulation, or court decision.

(c) Salem public safety personnel, including police and fire fighters, recognize and value as their first priority, the safety, protection and security of all Salem residents, regardless of one's country of origin. No person living, visiting or working in Salem should ever fear calling public safety personnel for assistance. Further, local public safety personnel recognize that being able to have clear and open communication with any and all Salem residents is the most effective way to ensure the health, safety and welfare of the entire community.

(d) The Immigration Reform and Control Act of 1986 (IRCA) makes it illegal for the City, as an employer, to discriminate with respect to hiring, firing, or recruitment or referral for

a fee, based on an individual's citizenship or immigration status. Consistent with Federal law, all persons hired by the City of Salem will be required to verify identity and eligibility to work in the United States and to complete an employment eligibility verification document form upon hire. The City affirms that employment eligibility verification will occur only after an offer to hire has been made, unless citizenship status is required of the position by law or regulation.

(e) City department heads shall use tools at their disposal, including meetings and trainings, to direct their staff to comply with the City's policies described above. A communication shall be issued by City department heads to their staff upon adoption of this Ordinance.

Sec. 2-2063. Policy Limitations; Severability.

- (a) No provision continued herein shall condition additional benefits to immigrant or refugee residents in the City of Salem.
- (b) No provision contained herein shall violate Federal or State statutes, regulations, or court decision nor impact Federal funding.
- (c) As provided in Sec. 1-9 of this Code, the sections, paragraphs, sentences, clauses and phrases of this Article are severable, and if any phrase, clause, sentence, paragraph or section of this Article shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Article.

Section 2. This Ordinance shall take effect as provided by City Charter.

A Special Meeting of the City Council was held on March 29, 2017

Adopted as amended for first passage by a roll call vote of 7 yeas, 4 nays, 0 absent

A motion for immediate reconsideration in the hopes it would not prevail was denied.

ATTEST:

Advertised in the Salem News
on April 5, 2017

CHERYL A. LAPOINTE
CITY CLERK