

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, SUSPENDING ALL FUTURE MEETINGS OF THE IMMIGRATION ADVISORY BOARD AND ITS SUBCOMMITTEES UNTIL CITY COUNCIL ADOPTS AN ORDINANCE RESCINDING THE SUSPENSION.

WHEREAS, the Charter of the City of Bellingham, Article VII, Section 701 (the Charter) states: “The Council may, by ordinance, establish advisory boards with such functions and number of members as it may determine.”; and

WHEREAS, the Charter also states: “Unless otherwise provided in this Charter, or by state law, all boards, commissions, committees or other such bodies (herein referred to as “Boards”) shall be advisory only, and shall be for the purpose of assisting the Mayor or Council in the performance of their duties.”; and

WHEREAS, pursuant to the Charter, the City of Bellingham adopted Ordinance No. 2019-11-033, which established the Immigration Advisory Board (IAB) and codified the rules for the IAB in Bellingham Municipal Code (BMC) Chapter 2.26; and

WHEREAS, the City of Bellingham adopted Ordinance No. 2021-03-009, which made changes to the composition of the IAB to include alternate members and to allow non-City residents to become members; and

WHEREAS, the IAB is required to comply with the State Public Records and Open Public Meetings Acts; and

WHEREAS, IAB board members are required by City policy and State law to participate in periodic training on the Public Records and Open Public Meetings Acts. An attempt to provide this training to the IAB in December 2022 was unsuccessful; and

WHEREAS, since its creation in 2019, the IAB has not functioned as other City advisory boards and commissions, which assist the Mayor and City Council in the performance of their duties by providing advice, information, insights, and recommendations; and

WHEREAS, the IAB has sought a co-governance model of advocacy which is inconsistent with the City’s Charter and BMC Chapter 2.26; and

WHEREAS, although the Charter holds that members of boards shall be appointed and removed by the Mayor, the IAB has sought a lead role in the review and selection of Board Members; and

WHEREAS, the IAB has no By-Laws to govern its meetings and procedures, and the board actively includes non-board members in its meetings and decision-making process; and

WHEREAS, the IAB has created multiple subcommittees, including the Federal Contacts Data Subcommittee, Immigrant Resource Center Subcommittee, Outreach Subcommittee, and Process Subcommittee, which meet without City staff; and

WHEREAS, IAB Members who establish the meeting agendas have resisted allowing some City presentations to come forward, limiting the City's ability to provide comprehensive information and answer questions posed by IAB Members on topics such as City law enforcement operations and affordable housing initiatives; and

WHEREAS, the IAB has sought to lead outward engagement efforts with the immigrant community throughout Whatcom County and the region, not just within the city limits of Bellingham; and

WHEREAS, the IAB lacks any autonomy independent of the City; however, IAB Members have visited government facilities outside the City, presenting themselves as representatives of the City of Bellingham without City authorization or adequate public notice; and

WHEREAS, the City does not typically provide direct service to individual residents and instead utilizes interlocal agreements, public private partnerships, and community contracts to provide services; and

WHEREAS, the level of conflict at IAB meetings has been high and frequent enough that key City staff will no longer attend meetings, and volunteers and potential government, non-profit and community partners decline joint projects and activities with the IAB; and

WHEREAS, the number and scope of requests and expectations generated by the IAB exceed City financial resources and staff capacity currently allocated to support the IAB; and

WHEREAS, the City's advisory boards and commissions do not have budget authority; however, the resources needed to facilitate the IAB's regular meetings and annual retreats have constituted a significant portion of the City Council budget; and

WHEREAS, the City is investing approximately \$100,000 annually in the Whatcom Racial Equity Commission, which will have some overlap with the work of the IAB; and

WHEREAS, when the IAB was created the City administration expressed reservations about the purpose, operations, resources required, and other aspects of establishing the IAB, and the concerns were not adequately addressed at the time nor have the concerns been fully addressed to date; and

WHEREAS, the IAB has required more resources and staff time than anticipated, necessitating a pause in IAB meetings to evaluate the City’s purpose, goals, and objectives for maintaining this advisory board, and the level of City resources needed to achieve them.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Findings of Fact. City Council adopts the above “WHEREAS” recitals as findings of fact in support of its action.

Section 2. Suspension of Meetings. City Council suspends all future meetings of the Immigration Advisory Board and its sub-committees until City Council adopts an ordinance rescinding the suspension. City staff and Immigration Advisory Board Members are directed to not attend any currently scheduled meetings or meetings that may be scheduled in the future prior to City Council adopting an ordinance rescinding the suspension. The terms of the current Immigration Advisory Board Members will continue to run during the suspension.

Section 3. Purpose. The purpose of this suspension is to allow the City Council and the City administration adequate time to evaluate the City’s purpose, goals, and objectives for maintaining the Immigration Advisory Board, and the level of City resources needed to achieve them; and make any necessary changes to Bellingham Municipal Code (BMC) Chapter 2.26.

Section 4. Conflict with Other BMC Provisions. If the provisions of this ordinance are found to be inconsistent with other provisions of the Bellingham Municipal Code, this ordinance shall control.

Section 5. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

PASSED by the Council this _____ day of _____, 2024.

Council President

APPROVED by me this _____ day of _____, 2024.

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published:

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