

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 [in that it was offered in English and the IAB requested that the training be provided in Spanish as well. The City staff agreed to return with a translated presentation, but never scheduled a date again](#); and

WHEREAS, since its creation in 2019, the IAB has [not functioned offered the following advice, information, insights, and recommendations to assist the Mayor and City Council \(please see attached for detailed list\) but among others, ACLU presentation on KWWA, a presentation to City Council re: IRC, Interpretation at City Council Meetings and other City Boards & Commissions, Recommended immigrant engagement methods in addition to Engage Bellingham, Bring community reports of current events, opportunities, and unmet needs](#), 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 [currently](#) 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 [while understanding that the Mayor has ultimate authority to appoint and remove Board Members](#); and

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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 [informs its decision-making process as an important method for community engagement and input; and subcommittee recommendations are always voted on only by the City-appointed Board Members](#); and

WHEREAS, the IAB has created multiple subcommittees, [at the suggestion of Councilmember Hannah Stone, explaining that this is a usual and acceptable manner for City Boards to accomplish work in between monthly meetings](#), 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 requested that~~ some City presentations [be translated into Spanish, at least, to come forward, and the City considers this request to be](#) 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 [such as Border Patrol and DHS offices in Whatcom County, with the presence of Councilmember Hannah Stone](#), 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; [while the following community partners continue to support and work with the IAB:](#)

[Northsound ACH, PeaceHealth, Whatcom Peace and Justice Center, Mt Baker Foundation, Chuckanut Health Foundation: Racial Equity Commission, Community to Community \(C2C\), A Watered Garden, Law Advocates, Whatcom Literacy Council](#)

Opportunity Council, Community Resource Center, Whatcom Community College, NAMI – National Alliance on Mental Health Illness, Northwest Regional Council, Lighthouse Mission Ministries, Riveter’s Collective, Whatcom Peace and Justice Center, Chardi Kala Project

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 the IAB proposes that the IAB and the City jointly decide on the funding and resourcing priorities; 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 the IAB suggests that the IAB and the City jointly create an operating budget for the IAB; 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 yet the WREC has not yet met, in the four years that the IAB has been meeting and making recommendations, and there are no immigrants appointed into that Commission to date; 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

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WHEREAS, the IAB has required more resources and staff time than anticipated, necessitating an active and joint realignment and detailed collaboration plan for 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 along with the amendments of the IAB in support of its action.

Section 2. Suspension of Meetings. Representatives from the 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.~~ with the City staff and Mayor along with the IAB meet and actively

realign goals and resources, and create a detailed cooperation plan for the IAB work to continue as delineated and required by the ordinance.

Section 3. Purpose. The purpose of this ~~realignment suspension~~ is to allow the City Council, ~~and~~ the City administration, ~~and the IAB~~ adequate time to evaluate ~~the City's~~ our joint 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.

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Mayor

ATTEST:
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

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