

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 17-07-11-01

IN THE MATTER OF AMENDING LANE  
MANUAL CHAPTER 60 TO ADD PROVISIONS  
PERTAINING TO FOREIGN CITIZENSHIP

The Board of County Commissioners of Lane County **ORDERS** as follows:

**WHEREAS**, Lane County is home to individuals who represent a myriad of races, ethnicities and nationalities, including immigrants and refugees from all over the world; and

**WHEREAS**, many community members and groups have expressed fears regarding their ability to access Lane County government services; and

**WHEREAS**, the deterioration of trust in one aspect of government jeopardizes trust in other aspects of government, including the provision of other County services.

**WHEREAS**, Lane County seeks to reaffirm, and declare its commitment to equity and respect for all community members by ensuring and affirming they are able to continue accessing County resources and services regardless of their immigration status.

**WHEREAS**, the Lane County Board of Commissioners is committed to upholding and reaffirming Lane County's core values consisting of: integrity, respect, openness and accountability, public engagement, the pursuit of excellence, diversity, stewardship and empathy.

**WHEREAS**, the Lane County Board of County Commissioners recognizes the public's deep concern regarding whether community members will be able to continue accessing government resources and services.

**NOW, THEREFORE**, the Lane County Board of County Commissioners **ORDERS** as follows:

That the addition to the Lane Manual Chapter 60.950 as shown in Exhibit A are hereby ratified.

That the Lane County Board of County Commissioners supports and endorses the Lane County Sheriff's Office continued compliance with ORS 181A.820:

- 1) The Lane County Board of County Commissioners seeks to reaffirm County departments will not use agency moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.
- 2) Notwithstanding subsection (1) of this section, a law enforcement agency may exchange information with the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services and the United States Bureau of Customs and Border Protection in order to:
  - a) Verify the immigration status of a person if the person is arrested for any criminal offense; or
  - b) Request criminal investigation information with reference to persons named in records of the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services or the United States Bureau of Customs and Border Protection.
- 3) Notwithstanding subsection (1) of this section, a law enforcement agency may arrest any person who:

- a) Is charged by the United States with a criminal violation of federal immigration laws under Title II of the Immigration and Nationality Act or 18 U.S.C. 1015, 1422 to 1429 or 1505; and
  - b) Is subject to arrest for the crime pursuant to a warrant of arrest issued by a federal magistrate.
- 4) As used in this section, "warrant of arrest" has the meaning given that term in ORS 131.005.
  - 5) All non-law enforcement personnel working for the County also shall not use County moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.
  - 6) This section does not create a private right of action.

That the County will continue to, in a manner consistent with state and federal law and existing legal agreements, prohibit the use of County funds, personnel or equipment to enforce federal immigration law. This Resolution shall be interpreted and executed in a manner consistent with ORS 181A.820 and with 8 U.S.C. § 1373 and § 1644. In the event that this Resolution conflicts with either state or federal law, state and federal law will control.

That Lane County is committed to continued education and outreach efforts related to state and federal immigration issues including, but not limited to, internal employee education, community engagement and legislative support for state and federal laws protecting the rights of all persons.

That procedures to carry out this policy are further clarified in the Administrative Procedures Manual. Any Administrative Procedures Manual changes related to this policy must be reviewed by the Policies and Procedures Committee prior to the adoption by the County Administrator.

Lane Manual Chapter 60 is amended by adding the following section:

**REMOVE THIS SECTION**

NONE

**INSERT THIS SECTION**

60.950

If any section, subsection, sentence, clause, phrase or portion of this Order or the referenced Lane Manual provisions are for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion is deemed a separate, distinct, and independent provision, and such holding does not affect the validity of the remaining portions.

**ADOPTED** this 11th day of July 2017.



Pat Farr, Chair  
Lane County Board of Commissioners

<p>APPROVED AS TO FORM</p> <p>Date <u>6/6/17</u></p> <p>LANE COUNTY OFFICE OF LEGAL COUNSEL</p>
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**60.905 Smoking**

In addition to the Board's own prohibition set forth in LM 50.005(14), it is the declared policy of the Board to discourage smoking at County sponsored public meetings.

The Chairman or person conducting any County sponsored Public meeting is encouraged to carry out the County no smoking policy as he or she deems appropriate.

The General Administrator is directed to communicate the policy set forth in this section to all appropriate persons. *(Revised by Order No. 75-1-22-2, Effective 1.22.75 [Errata 4.1.76])*

**FOREIGN CITIZENSHIP**

**60.950 Foreign Citizenship**

(1) County departments will not use agency moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.

(2) Notwithstanding subsection (1) of this section, a law enforcement agency may exchange information with the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services and the United States Bureau of Customs and Border Protection in order to:

(a) Verify the immigration status of a person if the person is arrested for any criminal offense; or

(b) Request criminal investigation information with reference to persons named in records of the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services or the United States Bureau of Customs and Border Protection.

(3) Notwithstanding subsection (1) of this section, a law enforcement agency may arrest any person who:

(a) Is charged by the United States with a criminal violation of federal immigration laws under Title II of the Immigration and Nationality Act or 18 U.S.C. 1015, 1422 to 1429 or 1505; and

(b) Is subject to arrest for the crime pursuant to a warrant of arrest issued by a federal magistrate.

(4) As used in this section, "warrant of arrest" has the meaning given that term in ORS 131.005.

(5) All non-law enforcement personnel working for the County also shall not use County moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.

(6) This section does not create a private right of action.

(n) The Lane County Animal Services Manager or designee shall have the authority to offer temporary license fee reductions and/or license/tag combination fee specials for the purpose of increasing licensing compliance and/or animal adoptions. *(Revised by Order No. 13-10-29-03, Effective 11.07.13; 15-01-06-14, 01-06-15)*

## PUBLIC MEETINGS

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