

NEWBERG CITY COUNCIL MINUTES
REGULAR SESSION
March 6, 2017, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

A work session was held at 6:00 p.m. preceding the meeting. Present were Mayor Bob Andrews, Councilors Hayley Delle, Scott Essin, Mike Corey, Patrick Johnson, Denise Bacon, and Stephen McKinney. Also present were City Manager Joe Hannan, City Attorney Truman Stone, City Recorder Sue Ryan and Assistant to the City Manager DawnKaren Bevill.

Mayor Andrews called the meeting to order. He requested the minutes to be amended to reflect that Councilor Mike Corey was present during the business session of February 6, 2017. Items added to Council Business included: Veritas Advance Financing District, Charter, and Council Rules.

EXECUTIVE SESSION pursuant to ORS 192.660 (2) I

The Council entered Executive Session at 6:05 p.m.

Staff present included Municipal Judge Larry Blake. The Council discussed the annual evaluation for the Municipal Judge. The Council exited Executive Session at 6:45 p.m.

CALL MEETING TO ORDER

The Mayor called the business session to order at 7:04 p.m.

ROLL CALL

Members Present:	Mayor Bob Andrews	Scott Essin	Stephen McKinney
	Hayley Delle	Mike Corey	Patrick Johnson
	Denise Bacon		

Staff Present:	Joe Hannan, City Manager	Truman Stone, City Attorney
	Sue Ryan, City Recorder	Doug Rux, Community Development Director
	Rosa Olivares, Community Engagement Specialist	
	DawnKaren Bevill, Assistant to the City Manager	

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was performed.

PRESENTATIONS:

I'm glad you're my neighbor proclamation:

MOTION: Bacon/Johnson moved to approve the proclamation. Motion carried (7 Yes/ 0 No).

Bill Rourke, Newberg resident, expressed his appreciation for this proclamation recognizing Newberg's diverse community. Mayor Andrews read the proclamation declaring the City of Newberg's support for the "I'm glad you're my neighbor" inclusion campaign of 2017 and presented it to Tricia Hornbeck and Mike Caruso from the community.

CITY MANAGER'S REPORT: City Manager Hannan reported on current activities across the City including meeting with the Veterans Administration Portland staff to explore initiating a new VA Portland satellite clinic in Newberg, attending Travel Oregon training/update on new tourism grant opportunities, attending the first meeting of Trolley volunteers, attending a Future Focus meeting with the School District and CPRD, preparing a video message for the Employee Recognition Breakfast, meeting with representative of Mobilite regarding wifi, tower, and fiber opportunities, presenting a community update at Astor House, going to Israel for vacation, attending the Mayor's Cabinet, attending the Economic Development Plan Progress Report meeting, meeting with the Chamber regarding downtown office opportunities, attending the Pavement Ad Hoc

Committee, attending the Historical Society presentation by Russ Thomas on railroads and underground Newberg, meeting with Yamhill County Solid Waste to talk about new recycling requirements, meeting with US Army staff on emergency preparedness coordination and federal surplus, meeting with the School District staff and Comcast to discuss opportunities for wifi and fiber throughout City, coordinating introduction and meetings between Online Northwest and City and School District officials, meeting with the County Assessor and Deputy to discuss ways of working together, UGB expansion, and having a presence in Newberg.

NEW BUSINESS:

Resolution 2017-3358: Inclusive City

CM Hannan said several weeks ago some citizens came to Council in response to what was happening in the nation and McMinnville to request a resolution that identified Newberg as an inclusive city. Staff looked at draft resolutions for examples, and had prepared one for Newberg. They wanted to make sure people were comfortable going to law enforcement when needed. The City was not in the business of enforcing immigration. Oregon was a sanctuary state and whatever consequences would happen with federal funding would affect the entire state. Currently there was no consequence for cities declaring themselves inclusionary. Mayor Andrews said there was unanimous adoption of an inclusionary resolution by the City of Salem.

Proponents:

Mike Caruso, Dundee resident, was in favor of the resolution because it was in accordance with the tenets of Rotary International. Having an inclusive community was in line with the beliefs of Rotary and the City Council since they declared Newberg a Peace City in 2012 and approved the Peace Pole project. This would be in line with promoting goodwill in the community.

Jared Jones, Newberg resident, said immigrants enriched the community. He cited statistics from the 2010 Census which counted 2,985 Hispanic or Latino people in Newberg or 13.5% of the City's population, 2.2% of the population was Asian, and .2% was Pacific Islander. The Census also said 91% of the population in Newberg was native residents of the United States, 48% of these residents were living in the state in which they were born, and 3.3% entered the United States in 2000 or later. The Non-Partisan Partnership for a New Community Economy put out a report in August 2016 that showed 388,000 plus Oregon residents were born in other countries, which was 10% of the State's population. Some claimed that unauthorized immigrants were often criminals, but the Migration Policy Institute estimated about 300,000 or less than 3% of the 11 million undocumented immigrants had committed felonies. The proportion of felons in the overall population in the United States was estimated at 6% in 2010. Unauthorized immigrants were only half as likely to be felons as Americans in general. There was a demographic crisis in Asia and Europe as baby boomers were retiring. One in six residents in Oregon was older than age 65. This ranked the state in the top 10 in elderly populations. By adding to the tax base and workforce, immigrants helped ensure the economy could support the many retirees and helped ensure employers had workers available. Immigration bolstered the economy. According to the Immigration Council's report in 2015, if all unauthorized immigrants were deported, Oregon would lose \$3.4 billion in economic activity, \$1.5 billion in gross state product, and 19,000 jobs. Immigrants helped boost home values and enriched the community for everyone. The local economy would suffer if they were not here.

Cherice Bock, Newberg resident, introduced people from the community group Unidos Bridging Community organization whom would be sharing testimonies in favor of the resolution. She valued the diversity in the community. It was one of the reasons she chose Newberg to raise her family. She read some testimonies collected from Newberg residents which explained people's fears and uncertainties and how the inclusive resolution would help alleviate these concerns. She did not want people's children to be in fear and thought they needed to make everyone feel welcome in the City.

Ian McDonough, Newberg resident, had served in the military and was a proponent of the law. He was in favor of immigrants coming to the United States by lawful means and was in favor of fair and speedy investigations for trials for all who committed felonies and other serious crimes and deportation of those who committed the

crimes. He had also been a missionary and had been a foreigner in a Muslim country. Illegal/undocumented immigration was not a simple matrix of following the law or breaking the law. For generations, the United States had fostered, enabled, and positively sanctioned a system of undocumented workers entering the country. The United States needed immigration reform including a functioning guest worker program. Until the reforms came to pass, it was unconscionable that the most vulnerable became the targets and victims of enforcement actions based on emotion and prejudice instead of facts. There was no societal good to be achieved in harassing, detaining, and deporting individuals who in every other respect were functioning members in society. It is even more unconscionable to separate families. He thought the City should promote fairness, justice, and protection of the most vulnerable from the heavy hand of prejudicial power.

Nahm S., Newberg resident, translated Mr. McDonough's statement into Spanish.

Leslie Murray, Pastor at North Valley Friends Church, said they were a church that expressed their faith locally and globally and wanted to bring peace to Newberg and beyond. Newberg becoming an inclusionary city was a way of expressing the greatest commandments, to love God and to love our neighbors as ourselves. They had collected 90 signatures from her congregation in support of Newberg becoming an inclusive city. She gave scriptures about welcoming strangers, immigrants, and foreigners. Most who were in fear of being deported were not foreigners anymore except on paper. They had been a part of the United States and Newberg for quite some time. They were our friends, colleagues, neighbors, and children's playmates. She was in favor of keeping families intact and children in school. She hoped that by stating they were an inclusionary city that the police and local officials would live out the law only to the extent that it required. Making Newberg an inclusive City showed love to our neighbors.

Beth Muthiah, Newberg resident, read a statement from Angel Diaz, pastor of Hispanic Iglesia Amigos. He wanted to declare Newberg as an inclusive city for the immigrants who were in Newberg. An inclusive city was synonymous with a city of God. There was a spirit of fear and collective anguish that was unhealthy for the whole city. Inclusive policies would keep the city safer and more prosperous by not forcing immigrants into hiding and keeping them from leading full lives. It would respect Hispanic immigrants and support their aspirations for jobs, which was an essential part of the prosperity and stability of the City. Local police should not ask about immigration status when citing someone for a traffic violation, however in many cases the police had to work with immigration officials to hand over suspects with criminal records. An inclusive city would prohibit the use of taxpayer funds to reinforce federal laws that were not to the liking of the majority of its inhabitants. These funds should be used to strengthen and support a number of programs that helped undocumented immigrants to live a safer and prosperous life that would also benefit the City.

Marisol Garcia translated Pastor Diaz's testimony into Spanish.

Bill Sweat, winery owner, added an economic context to this issue. Oregon wineries sold \$1 billion worth of wine per year and generated over \$3 billion of economic activity. Wineries were primarily small, family-run businesses that relied on hard-working and skilled agricultural labor. Oregon had become one of the top wine regions in the world in just over 50 years. Oregon competed globally with countries that had been doing this for almost a millennium. Wine was made in the vineyard, and they could not afford to lose these dedicated workers. Thriving wine industries attracted tourism and people who wanted to live in proximity to vineyards helped create demand for restaurants, hotels, inns, shops, galleries, and other small businesses. Dedicated, hard-working immigrants also worked in these businesses. Newberg's economy was more dependent on immigrant labor than they imagined. Our economy would be devastated by their loss and our community would be culturally devastated as well. He encouraged the Council to pass the resolution. Councilor McKinney asked what he thought about the I-9 issue of an undocumented worker. Mr. Sweat used a vineyard management company who was responsible for that documentation.

Mardo Nunez, Newberg resident, read a statement for an undocumented immigrant in English and Spanish. The immigrant had come from Mexico to the United States when he was 15 years old. He wanted to work hard and earn money to send to his family. He walked four days to cross the border, and started working on a ranch. He worked several jobs after that in order to take care of his own children and wife and his family in Mexico. The last few months had been difficult where not a day went by when there was not news that immigrants were considered criminals and people wanted them to leave the country, that they were stealing jobs and they should have no rights. He was worried about his children's futures and their options for succeeding in life. He asked that Newberg be an inclusive City, a City where he was welcome and his children were safe.

Erinn Baker read the statement of a 16-year-old student in English and Spanish. The student stated these past few months had been rocky, especially with the protests and events going on recently. She was a Mexican American, but sometimes felt scared to show it due to racism. A lot of people had been deported, even in Oregon. Her parents meant the world to her and without them her life would be very different as she and her siblings would be put in foster care. The situation made her nervous about the future. She was grateful the Newberg community was caring and once the resolution was passed, it would take some weight off her shoulders. It would be assurance that the City cared about them no matter what. We were all in this together and being united was what would make the difference.

Isaura Pena from the Unidos Bridging Community organization said the organization was the only Latino advocacy organization in Yamhill County. Their mission was to promote integration, participation, representation, and success of Latino individuals and families and build bridges of understanding and support among Latinos and non-Latinos. She had lived in Newberg for 17 years and had seen the City grow economically, in population, and in diversity. She was the proud daughter of two hard-working immigrants who had contributed to Newberg in more ways than she could count. She was eager to see the City stand up for their neighbors and community members. Several people had come to the meeting who were part of their citizenship classes who would soon be citizens of our nation. This resolution legally complied with State laws that indicated State and local funding would not be used to enforce federal immigration laws. The resolution was a symbolic gesture and a sign of solidarity, acceptance, and hope. She urged the Council to support the resolution. She read her statement again in Spanish.

Councilor McKinney asked the citizenship class to raise their hands. Councilor Essin asked if the citizenship classes included help in learning English. Ms. Pena explained what was offered in their classes. She said some students were exempt from the language requirement depending on the length of their residency. She liked to translate so everyone knew what was being said.

Bill Rourke, Newberg resident, said the previous speakers had reflected his views as well. Oregon was a sanctuary state and by default that made Newberg a sanctuary city. The use of the term inclusive was slightly different than sanctuary. Many people perceived the decisions that were made in Salem to be largely driven by liberals in large metropolitan areas. Because of that, it was especially important that cities like Newberg who were outside the large metropolitan area took these strong symbolic positions.

Opponents and Neutral Testimony: None.

Councilor Essin asked if Newberg was a sanctuary city because they were in the state of Oregon. City Attorney Stone said there was no clear understanding what a sanctuary city or state meant. The State had a statute that prohibited public resources being expended or public employees being engaged in enforcement of federal immigration law. That State statute would apply to the City of Newberg. The City had not been deputized to take federal enforcement action nor did he think that would occur. Councilor Essin asked if the concern was the City's police acting as Immigration Control Enforcement (ICE) officers. City Manager Hannan said the resolution discussed inclusivity as a community. It was a statement that the City embraced diversity. The City

was responsible for policing powers and following state and federal laws, but police powers would not be used to enforce federal immigration.

Councilor McKinney said there was a difference between deputation and mutual aid. He asked about the language change regarding the prohibition of using public funds and personnel between what the Unidos Bridging Community organization had submitted and what was in the proposed resolution.

City Manager Hannan said the City had not been asked to serve as deputies to the federal immigration system and he did anticipate they would be asked. The resolution stated what the City was responsible for. It did not challenge or negate mutual aid with other police agencies. Councilor McKinney clarified the last statement in the resolution took care of the mutual aid agreement. He asked if the Unidos Bridging Community organization representatives perceived a substantive change in what they suggested and what was being considered that night.

Ms. Bock said they were not asking the City to violate the law but to uphold the law as it stood in not using local monies to support federal laws. They were asking for the law to be upheld in ways that were empathetic and loving and kept families together and allowed services to be extended to immigrants. Councilor McKinney thought the City was already inclusionary. The Council had sworn an oath to the Constitution of the United States and the State of Oregon as well as the City Charter. He thought the City sought to serve everyone and did not exclude anyone. This statement had to speak for all. Ms. Bock said they were trying to address the breakdown in communication between what the law was and how people were feeling right now. They were not asking the Council to break any law but make sure people knew they were welcome here and that the services the community provided were extended to everyone.

The Council took a brief recess.

MOTION: Bacon/Johnson moved to approve Resolution 2017-3359, A Resolution to declare the City of Newberg as an inclusive City for all persons, regardless if race, color, national origin, immigration or refugee status, religion, sex, mental emotional and physical ability, age, or economic status.

Deliberations – Councilor McKinney thought the resolution came to Council too late to consider tonight for passage.

Councilor Essin clarified this resolution was saying that people were afraid and wanted to hear from the City that they would go along with the State as a sanctuary. He would be voting in favor of it to help alleviate these fears.

Councilor Corey said the differences between sanctuary city and inclusive city were not defined, but he believed there existed already in the City inclusion for all citizens. He said what the Council was doing was basically symbolic of what the community had and wanted to continue to have. He did not want to separate families or see people be deported just for being illegal. He was in favor of the resolution but was concerned about Section 2 under the Resolves paragraph. His first thought was that it would harbor everyone even those who had committed crimes, but that was not what it should be. He wanted to make sure that it allowed our police officers to cooperate with federal immigration law in regard to deporting criminals. The potential of losing federal funds had been addressed and they did not know what the federal government would or would not do.

Councilor Johnson knew they got the resolution late, but everyone on the Council knew it was going to be on the agenda tonight. He had put in a lot of time researching this issue plus responding to community concerns on the issue. He said overall, if they passed this, ICE could still come into the community. This resolution said we were going to uphold State law. How was this any different than the oath that they took as City Councilors? The

public was in support of this resolution and upholding the law. One of the reasons he wanted to serve on the Council was to improve public trust and he thought if they did not pass the resolution, they would erode public trust. They should follow the State law and make a statement that they would follow it.

Councilor Delle said Councilor Johnson summed up her thoughts. They would be following State law. It was a symbolic gesture and they wanted the public's trust. She was in support of the resolution. She loved the outpouring of support and interest from the community.

Councilor Bacon said it was symbolic and they were following the law. All of the community mattered to her and that was why she would support it.

Mayor Andrews said Unidos Bridging Community organization had a meeting on Thursday night and it was well articulated that the position of law enforcement that the Police Chief was taking on behalf of the City of Newberg was that the City would not be out enforcing the immigration law as that was the responsibility of the federal government. He said they could continue to wordsmith the resolution, but they could do that endlessly. His position was that it was symbolic and Oregon was a sanctuary state. We still had a government at the state and federal level based on a system of checks and balances. The threats might be hollow depending upon where the legislative branch and judicial branch lay. He was willing to make a statement, but the Council already made the statement earlier that they were a neighborly community. He said we were saying our arms and hearts were open.

Councilor McKinney took exception to the process and how Council didn't receive the resolution until 3:02 p.m. the day of the meeting. He thought words mattered. He didn't like what they were given and this was not the best possible statement. He would be abstaining from the vote.

Motion carried (6 Yes/0 No/1 Abstain [McKinney]).

PUBLIC COMMENTS: None.

CONSENT CALENDAR:

MOTION: Bacon/Johnson moved to approve the Consent Calendar including Council Minutes as amended for February 6, 2017 and Resolution 2017-3358, A Resolution supporting legislation to restore recreational immunity in Oregon. Motion carried (7 Yes/0 No).

COUNCIL BUSINESS:

Councilor Johnson said during the past two weeks he met with officials from Veritas School about doing outreach to neighbors regarding the Veritas Advanced Financing Agreement. A neighborhood meeting had been scheduled and each property owner had been personally contacted. None of the neighbors came to the meeting.

MOTION: Johnson/Corey moved to reconsider the vote on Resolution 2017-3357. Motion carried (7 Yes/ 0 No).

Councilor McKinney asked what had been reconciled that would move the issue forward. Councilor Johnson said there was a meeting held to discuss the issue. His concern was that there had been no outreach to the neighbors. He thought Veritas had done their due diligence. He thought some agreement on the calculations had been reached as well. Mayor Andrews gave a background on the issue and how at the last meeting the resolution failed with two Councilors in support, and four opposed. If the same thing was coming back to Council, he had some concerns. If there were some modifications, he thought it would be of interest.

MOTION: Johnson/Essin moved to reconsider the vote on Resolution 2017-3357 at the April 17, 2017 City Council meeting. Motion carried (7 Yes/0 No).

Councilor McKinney asked if there would be reconciliation for the issues raised before. Councilor Johnson said his concerns were met and he was in support of the resolution as written.

City Recorder Sue Ryan stated she would be on vacation March 10-23. She encouraged Council to fill out their Statement of Economic Interest forms.

Councilor Essin said he would postpone his discussion regarding the Charter and Council Rules.

EXECUTIVE SESSION pursuant to ORS 192.660 (2) H Legal Consul Consultation with Counsel concerning Legal Rights and Duties regarding current litigation or litigation likely to be filed.

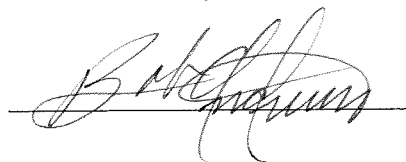
The Council entered Executive Session at 9:25 p.m.

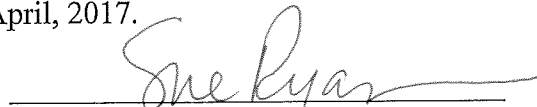
Staff present included City Attorney Truman Stone. The Council discussed pending litigation regarding ambulance services. The Council exited Executive Session at 10:08 p.m.

ADJOURNMENT: The meeting was adjourned at 10:08 p.m.

ADOPTED by the Newberg City Council this 3rd day of April, 2017.

ATTESTED by the Mayor this 6th day of April, 2017.

 Bob Andrews, Mayor


Sue Ryan, City Recorder

