

# Initiative Petition to REPEAL Burien's "Sanctuary City" Ordinance 651

**TO: The City Council of the City Of Burien:** **Concise statement of the action or relief sought:** We, the undersigned registered voters of the City of Burien, Washington require that, unless enacted by the City Council, this ordinance - on reverse - be submitted to a vote of the registered voters of the City of Burien, subject to the requirements of BMC 1.10 and RCW 35A11.080-.100.

**Proposed Ballot Title:** Burien Initiative No. 1 concerns immigration inquiries.

**Proposed Ballot Summary and Concise Description:** This measure would repeal BMC Chapter 2.26 "IMMIGRATION INQUIRIES PROHIBITED" [Ordinance 651], amend Chapter 9 Public Peace, Morals and Welfare and prohibit City of Burien from regulating the acquisition of immigration status or religious affiliation without majority votes of Council and voters.

**REQUIRED WARNING:**

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

**I am a legal voter of The City of Burien, State of Washington. My residence address is correctly stated. I have personally signed this petition.**

	Voter's Signature <small>-Burien only</small>	Print Name	Burien Street Address & Zip Code	Date Signed
1.	X			__ / __ / 2017
			Email: <small>eMail address (optional, to stay informed)</small>	<small>phone (optional)</small>
2.	X			__ / __ / 2017
			Email: <small>eMail address (optional, to stay informed)</small>	<small>phone (optional)</small>

**Please ask a friend or family member to join you in SIGNING today and then mail to: RESPECT WASHINGTON, P.O. Box 66634, Burien, WA 98166. Petitions must be received by July 5th. Questions? Please phone (206) 935-3505. Sign and mail IMMEDIATELY! Thank you!**

**CALL TO ACTION:** Don't be fooled by Councilmember doubletalk about Ordinance 651. A mere four of them blocked our police from investigating whether criminals and gang members in their custody are here illegally. "Sanctuary city" ordinances chill the sharing of such information with U.S. Citizenship and Immigration Services which works for us to process criminals for deportation. Ord. 651 threatens the safety of every Burien citizen and legal resident by allowing criminal aliens, like the one who shot Kate Steinle in San Francisco, to prey upon others inside our once peaceful town. You have the right to live in a Burien which is safe! **Please sign today!**

BE IT ENACTED BY THE PEOPLE OF THE CITY OF BURIEN:

**Section 1.** New Chapter 9.20 is hereby added to the Burien Municipal Code "Public Peace, Morals and Welfare" to read as follows:  
9.20 Citizen Protection of Effective Law Enforcement: The City of Burien shall not regulate the acquisition of immigration status or religious affiliation unless such regulation is approved by a majority vote of the City Council and a majority vote of the people at a municipal general election.

**Section 2.** Chapter 2.26 BMC (Ord. No. 651) relating to the prohibition of immigration inquiries, including "Findings" propaganda, is hereby repealed.

**Chapter 2.26  
IMMIGRATION INQUIRIES PROHIBITED**

**Sections:**

**2.26.010 Findings:**

**2.26.020 Prohibition on inquiring into immigration status:**

**2.26.030 Prohibition on collecting information regarding religious affiliation:**

**2.26.010 Findings:**

The city of Burien is a code city organized under Chapter 35.02 RCW and Article 11, Section 10 of the Washington State Constitution. Under its police powers, the city may exercise any power and perform any function, unless preempted by state or federal law, relating to its government and affairs, including the power to regulate for the protection and rights of its inhabitants. To this end, the city is dedicated to providing all of its residents fair and equal access to services, opportunities and protection.

The enforcement of civil immigration laws have historically been a federal government responsibility through the Immigration and Naturalization Service. Since 2002, matters of immigration law have been handled by the Office of Immigration and Customs Enforcement, a branch of the Department of Homeland Security. Requiring local law enforcement agencies, which are not specifically equipped or trained, to enforce civil immigration laws forces local governments to expend their limited resources to perform traditionally federal functions:

A goal of this legislation is to foster trust and cooperation between city personnel and law enforcement officials and immigrant communities to heighten crime prevention and public safety.

Since 1992, the King County sheriff's office has embraced this goal and outlined supporting policies in its operations manual, with which this chapter is consistent.

Another goal of this legislation is to promote the public health of city of Burien residents.

On April 22, 2008, King County superior court affirmed the principle that our courts must remain open and accessible for all individuals and families to resolve disputes on the merits by adopting a policy that warrants for the arrest of individuals based on their immigration status shall not be executed within any of the superior court courtrooms unless directly ordered by the presiding judicial officer and shall be discouraged in the superior court courthouses, unless the public's safety is at immediate risk. Shortly after the affirmation's adoption, the King County executive and Immigration and Customs Enforcement agreed to honor this policy.

This chapter is intended to be consistent with federal laws regarding communications between local jurisdictions and federal immigration authorities, including but not limited to United States Code Title 8, Section 1373. [Ord. 651 § 1, 2017]

**2.26.020 Prohibition on inquiring into immigration status:**

Except as provided in this section or when otherwise required by law, a city office, department, employee, agency or agent shall not condition the provision of city services on the citizenship or immigration status of any individual:

(1) Nothing in this chapter shall be construed to prohibit any city of Burien officer or employee from participating in cross-designation or task force activities with federal law enforcement authorities:

(2) The city of Burien personnel shall not request specific documents relating to a person's civil immigration status for the sole purpose of determining whether the individual has violated federal civil immigration laws. The documents include but are not limited to: passports; alien registration cards; or work permits.

(3) The city of Burien personnel may use documents relating to a person's civil immigration status if the documents are offered by the person upon a general, nonspecific request:

(4) The city of Burien personnel shall not initiate any inquiry or enforcement action based solely on a person's:

- (a) Civil immigration status;
- (b) Race;
- (c) Inability to speak English; or
- (d) Inability to understand city personnel or its officers.

(5) Except when otherwise required by law, where the city accepts presentation of a state-issued driver's license or identification card as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport or matricula consular, which is a consulate-issued document, shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a Washington State driver's license or identification card. However, a request for translation of such a document to English shall not be deemed a violation of any provision of this chapter and any subsequent ordinance. This provision does not apply to documentation required to complete a federal I-9 employment eligibility verification form:

(6) This section does not create or form the basis for liability on the part of the city, its officers, employees or agents:

(7) Unless permitted by this chapter or otherwise required by state or federal law or international treaty, all applications, questionnaires and interview forms used in relation to the provision of city benefits, opportunities or services shall be promptly reviewed by each agency; and any question requiring disclosure of information related to citizenship or immigration status shall be, in the agency's best judgment, either deleted in its entirety or revised such that the disclosure is no longer required. [Ord. 651 § 1, 2017]

**2.26.030 Prohibition on collecting information regarding religious affiliation:**

(1) No Burien official, including any agent or contracted agent, may collect information or establish or otherwise utilize a registry, database, or similar for the purpose of classifying any person on the basis of religious affiliation, or conduct any study related to the collection of such information or the establishment or utilization of such a registry, database, or similar:

(2) Rule of Construction. Nothing in this section may be construed as prohibiting the collection of information that is voluntarily provided, including relating to the decennial census. [Ord. 651 § 1, 2017]

**Section 3.** Construction: The provisions of this measure are to be liberally construed to effectuate the intent, policies, and purposes of this measure

**Section 4.** Severability: If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

-END-

**LEGISLATIVE HISTORY**

Burien City Council passed Ord. 651 on Jan. 9, 2017

Voting "YES"

Berkowitz [sponsor]

Bell

Tosta

Armstrong

"Respect for Law" Realists Voting "NO":

Edgar

Krackowiak

Wagner

**Dear Citizen:**

A "sanctuary" city breeds disrespect for the rule of law. Illegal immigration is not a victim-less crime. It deprives unemployed citizens and legal residents of work opportunities, depresses wages, penalizes employers who obey the law, encourages the use of fraudulent documents and stolen Social Security numbers - particularly those of children. Please sign and mail immediately to earn yourself a vote!

**INSTRUCTIONS:**

**STEP 1:** Make 2-sided copies of this petition for friends. Or print 2-sided from a PDF downloaded from [www.RespectWashington.us](http://www.RespectWashington.us)

**STEP 2:** Fill signature lines immediately. Signed petitions must be received at our P.O. Box by July 5th, 2017. Do not procrastinate. Fill petition this week.

**STEP 3:** Mail petition and contribution (checks please, no cash) to: [www.RespectWashington.us](http://www.RespectWashington.us)

P.O. Box 66634, Seattle, WA 98166

(206) 935-3505

Please help us cover the costs of this petition.