

1. March 3, 2017 Legislative Committee Agenda

Documents:

[MARCH 3 LEGISLATIVE COMMITTEE AGENDA.PDF](#)

2. February 6, 2017 Legislative Committee Meeting Notes Draft

Documents:

[FEBRUARY 6 LEGISLATIVE COMMITTEE MEETING NOTES DRAFT.PDF](#)



CITY OF PORTLAND
LEGISLATIVE COMMITTEE

March 3, 2017

A G E N D A

1. Welcome
2. State budget update – Kate/Alysia
3. Portland-specific and delegation bills – Kate/Alysia and delegation
4. Review Augusta meeting schedule – Kate/Alysia
5. New business



CITY OF PORTLAND
LEGISLATIVE COMMITTEE

February 6, 2017

MEETING NOTES

In attendance:

Portland City Councilors: David Brenerman, Justin Costa, Jill Duson, Mayor Ethan Strimling

City staff: Jon Jennings (City Manager), Julie Sullivan (Senior Advisor to the City Manager), Danielle West-Chuhta (Corp Counsel), Police Chief Mike Sauschuck

School District: Xavier Botana (Superintendent), Stephanie Hatzenbuehler (Board of Education)

Lobbyists: Kate Knox, Alysia Melnick

Legislative delegation: Sen. Ben Chipman, Sen. Mark Dion, Rep. Dick Farnsworth, Rep. Erik Jorgensen, Rep. Matt Moonen, Rep. Rachel Talbot Ross, Rep. Heather Sanborn

1. Committee Chairman Justin Costa welcomed everyone and reviewed the **agenda:** Review delegation bills; Respond to questions about current City policies; Discussions are still at a very high level, long way to go – at least communicating about things at issue right now.

2. Immigration

- Chief Sauschuck – the City ordinance has been in place since 2003 and is straightforward: we don't have anything to do with immigration and we don't deal with those type of issues or ask those type of questions.
 - The ordinance has a tight set of parameters addressing when we would – which has come up only once in 20 years – and do not prohibit any City officer or employee from working with the Feds.
 - The definition of a Sanctuary City is political. The City is not a prosecuting authority, we do not detain anybody, we do cooperate – by not asking, we do toe the line
 - Councilor Duson – NAACP, ILAP attorneys worked closely with the City to develop this ordinance. It is not about describing or not describing ourselves as sanctuary city; intention is that it is okay for ALL folks to call police when needed, and that the City of Portland is not coming after you.
 - Sauschuck – if people afraid to call police because they worry we will ask immigration status, then police cannot do their jobs and the community as a whole is less safe.
- Strimling – what about the President's executive order? The Federal government is looking to state and local law enforcement to enter into agreements to assist them with immigration – how would that occur if that call came?
 - City Manager Jennings – would be a shift in policy and would have to be taken up by Council
 - Sauschuck – would indeed require a change in City ordinance
 - Strimling – how can we not participate
 - Sauschuck – not seen anything that says we HAVE to – language says come to agreement

- Sen. Dion – would go straight to prosecutors office (DA), not local police departments
- Strimling – state OR local, so if the governor agreed to it, then what
- Dion – still state officers, not local
- Rep. Talbot Ross – what would happen if there was a raid on a Latino grocery
- Sauschuck – seen more focus on Chinese restaurants or houses with a whole shift of workers there. PD supposed to be notified the day before about it – discuss internally and we'll be present in marked cruiser; not always called in advance though – we want to be there to make sure nobody overreacts to raid and things escalate.
- Jennings – The DHS secretary is now empowered to develop lists and work with state and local officials, but it will take a year of rule-making before fully implemented. The DHS secretary will go to states and ask if they will sign on or not, then to local level – could lead to a loss of federal funding? That's where we're most concerned.
- Ross – What about Lockman's bill? Do we have strategies?
 - Costa – sanctuary city is not a legal term; Lockman's bill has been recycled over several sessions, and contains extremely broad language about policies, practices or procedures, formal or informal.
- Sauschuck – We can pull together whatever data we might have for the Committee.
- Alysia Melnick – do other towns have ordinances similar to Portland?
 - Sauschuck – not to our knowledge – if they do, they'll keep it quiet ;)
- Strimling – to Duson – where did the ordinance language come regarding exemption, it is very specific – if deported and come back... ?
 - Danielle West-Chuhta - based on Seattle's ordinance, established with former police Chief Chitwood and ILAP because of national security concerns.

3. General Assistance

- Jennings – the State's 24-month cut-off for asylum seekers is coming up. LD 36 and others could have dramatic impact on the city.
 - June 30 is the cut-off for about 180 individuals from GA, which is a \$942,500 impact.
 - Through October, 1333 cases = 2,290 individuals; \$7 million expended, \$3 million reimbursed from State; gap funding created by Council last year, 37 cases for 60 individuals; shelter reimbursement at 70%, billed \$700k to State; most problematic is 24-month timeline, and Council will have to take that up in context of budget.
- Costa – is \$942,500 total cost?
 - Jennings – estimated total cost for FY18 for those 180 individuals
 - Costa – but for 24-month cap, we'd be seeking State reimbursement
- Rep. Erik Jorgensen – when did the clock start ticking
 - West-Chuhta - July 1, 2015 started, so any support received after then
 - Chipman – what can we do about that
 - Jennings – Council will have to consider the question. Staff are still researching, and not sure yet how it will all play out
- Councilor David Brenerman – is it 24 months consecutively?
 - West-Chuhta – have to look that up, it is a departmental rule
 - Duson – can you reenter program after period of time?

- Jennings – that is a question
- Costa – need absolute clarity on the rule, and then look at cases/scenarios
- Jennings – there are other bills that have perhaps even worse consequences
- Rep. Heather Sanborn – what causes 180 people to need GA for 24 months at that cost
 - Jennings – Danielle and he will put together memo and send to cmte
 - West-Chuhta – backlog of cases in immigration process, so people stuck waiting and can't work (gap individuals who become part of the \$942k because of time)
- Costa – how many of these folks have filed but are waiting
 - Jennings – 4-5 year backlog to hear these cases
 - Costa – what about folks in the group of 180 who have not filed timely application for asylum
- Brenerman – what percent GA recipients are asylum-seekers
 - Jennings – 2,290 individuals in GA and 180 are going to be termed
- Jorgensen – how do other cities handle this situation
 - West-Chuhta – have spoken to Westbrook; their (and other towns) numbers are so small, the cities eat the cost
 - Melnick – no other cities in other states
 - West-Chuhta – could not find another city in the country that provides any type of financial support; UN office only provides metro passes
 - Jennings – we are the only ones
- Melnick – a year to apply for asylum, then get work permit, then case could take years and years to process
- Jennings – over 100 people on GA that have work permit – so created HIRE program; biggest obstacle is English language acquisition (that is this population's biggest impediment)
- West-Chuhta – rule says that lifetime eligibility of 24 months; so each time each month will be counted toward lifetime eligibility, but not linear
- Dion – what is Lewiston doing
 - Jennings – they are not doing anything
 - West-Chuhta – just Westbrook and Portland for MMA case
 - Ross – uniqueness of Portland; at some point have to justify why Portland only city in the country doing this, messaging to tax payers; Lewiston resettles refugees, very different than what we have
 - Dion – those nuances will get lost on the floor. Helpful to understand what Lewiston is doing
 - Ross – what about Bangor, etc – helpful to know
- Sanborn – helpful to know who has filed timely and doesn't have work permit because of the Fed's – they can pause 6-month clock anytime if miss filing deadline or file a motion, took 9.5 months to get work permit because clock was paused
 - Jennings – Julie, Danielle and I will pull together this information
- Duson – like-minded legislators in these other communities – please feel them out and let us know (obviously Westbrook)

- Costa – back in press lately with governor’s allegations – please forward last communications from admin to delegation; Ethan did send around document from fall in which we passed audit with flying colors

4. Discussion of bills submitted – impact on City

- Duson wants hard copy tracking list printed for her every mtg so she can take notes on it; list of what kill, pass, amend (as get a bit further, have this as a quick list)
- Ross – any adverse impact because City took question about felony conviction off job applications? Needs Portland to talk about experience with this; Duson wondering about business licensing with this issue
 - Jennings – email him or Danielle or anyone on Committee and request that info
- Jorgensen – subdivision bill not emerged yet but been submitted (there is an LR); section 40 reimbursement; transparency of DHHS block grants; Housing First project on Bishop St, funding to operate; mega bill with university re infrastructure repairs and improvements (would affect USM)
- Sanborn – universal child care bill part of bill to provide home care for seniors as well as care for kids under age 4; working on some beer bills (not sponsor)
- Chipman – two bills not yet referenced; MaineCare continued for parents who’ve had kids removed from their home despite reunification process (need to maintain mental health, substance abuse and of course health care); reduce oil spills in Casco Bay by requiring transfer of oil ship to ship reported in advance to Coast Guard so they can monitor the transfer and address small oil spills
- Dion – statewide implication with transmission and delivery of energy storage, big impact on Sappi; 10m bond package for develop of solar energy; funding community solar projects; allow families or concerned parties to remove firearms from home of someone with demonstrable mental illness; LR 935, an act to reduce the cost of pretrial detention (jail funding formula), eg, Cook County Jail reporting \$1M cost of holding people not ultimately accused, very high medical costs (eg, terminal alcoholism, mental illness, supervision); WA state did this, under what circumstances an arrest should be followed by detention – either issue invoice or summons – these are all class D or E misdemeanors; MMA wants to send jails back to state for complete takeover; hoping for support from Sauschuck
 - Jennings – the Chief does have concerns, please meet and discuss, Jon happy to arrange
- Farnsworth – bill to provide additional money to revolving fund for school facility maintenance, passed in 118th but never funded appropriately, working with Xavier on presentation; \$25M in each fiscal year for biennium for \$50M total; would take a lot of pressure off school construction list because would make available items in smaller category; \$4M for each year to continue start-up costs for PreK programs statewide... started in 2006 but forgotten about, not funded; airport TNCs but haven’t heard from revisor’s office yet
- Ross – decriminalize mentally ill; more options for teachers to diversify staffing; community lending w/ CEI for state office on minority business development; criminal justice; education; marijuana revenues
- Rep. Matt Moonen – combining fees under one bill, haven’t heard back from revisor’s yet; no other bills related to City
- (Dion – on marijuana implementation task force, as is Jorgensen)
 - Melnick - LD88 didn’t change much in terms of marijuana time frame

- Chipman – mandatory cosponsor for 2% local option sales tax on sale of retail marijuana to cover cost of enforcement, licensing, etc
- Farnsworth – provide public support for superintendent re Casco Bay hate crime – as delegation, should make statement of public support for the work he’s done
 - Chipman – let’s discuss that when meet right after to elect our chair
 - Strimling – totally agree with that (statement of public support) – will forward the 200 emails received over the weekend in support of Xavier and denouncing the crime
 - Costa/Duson – more concerned about students who were harassed
 - Botana – humbled and grateful for support; this was about something that happened to kids that shouldn’t happen to kids
 - Ross – was with PHS students to Husson College for presentation this weekend – students are so supportive of the superintendent
 - Duson – important opportunity to have healing conversation and hold situation as an example to our youth on how to stand up for each other, important to intervene when something happening you know isn’t right; this should be emphasis of Council statement on the issue

5. Meeting schedule

- Melnick - **Noon on Tuesdays** in back of cafeteria at Statehouse – also **2nd Thursdays** of the month (starting this week)
- Botana – tomorrow schools are hosting luncheon at 11:30 for legislative delegation in Augusta – multilingual/multicultural program one of featured nonprofits
- **Regular schedule** – every other Friday and revisit mid/late March to see if need to meet more frequently – **March 3rd in 209** (no Heather S) **8:00, 17th, 31st**