

GREENFIELD CITY COUNCIL
Special Meeting Minutes
October 1, 2019

Greenfield High School Cafeteria, 21 Barr Ave.

7:00 pm

CALL TO ORDER: Meeting was called to order at 7:03 p.m. by President Renaud.

President Renaud stated this meeting is being recorded, videotaped and broadcast. If any other person present was doing the same, they must notify the chairperson at this time. It was noted the City Council and Melina Bourdeau of the Recorder were audio recording and GCTV-15 was video recording the meeting for future broadcast.

ROLL CALL OF MEMBERS: Roll Call was taken. Councilor Pyfrom was absent.

ALSO PRESENT: City Clerk Kathryn J. Scott; Director of Administration Mark Smith; City Attorney Gordon Quinn; Parliamentarian Will Roberts; GCTV-15 staff; Melina Bourdeau, *the Recorder*, and members of the public.

MOTIONS, ORDERS, AND RESOLUTIONS

MOTION: On a motion by Councilor Ricketts, second by Councilor Gilmour, it was unanimously,

VOTED: THAT IT BE ORDERED, THAT THE GREENFIELD CITY COUNCIL WAIVE THE RULES OF PROCEDURE, 8 ORDER AND DISPOSITION OF BUSINESS.

Order no. FY 20-043

MOTION: On a motion by Councilor Allis, second by Councilor Dolan, it was by majority, 1 no,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY 20-038 "THAT THE "ESTABLISH THE CITY OF GREENFIELD AS A SAFE CITY ORDINANCE" PREVIOUSLY VOTED ON BY THE CITY COUNCIL ON AUGUST 21, 2019, AND VETOED BY THE MAYOR ON SEPTEMBER 3, 2019, IS HEREBY APPROVED." WHICH WAS TABLED AT THE SEPTEMBER 18, 2019 CITY COUNCIL MEETING.

Order no. FY20-038 in now on the table: THE CITY COUNCIL MOVED THAT IT BE ORDERED THAT THE "ESTABLISH THE CITY OF GREENFIELD AS A SAFE CITY ORDINANCE" PREVIOUSLY VOTED ON BY THE CITY COUNCIL ON AUGUST 21, 2019, AND VETOED BY THE MAYOR ON SEPTEMBER 3, 2019, IS HEREBY APPROVED.

DISCUSSION: Clarification was made by the City Attorney that a yes vote by the Council would override the Mayor's veto and a no vote would uphold the Mayor's veto.

MOTION: On a motion by Councilor Mass, second by Councilor Dolan, it was unanimously,

VOTED: TO CALL THE QUESTION.

Councilor Mass noted a point of order that due to the citizen's petition if the Mayor's veto was overridden the vote is held in abeyance until it goes to the voters; and therefore, is not approved until the voters approve it.

It was by roll call, 9 yes, 3 no,

VOTED: TO APPROVE ORDER NO. FY 20-038.

Councilors were handed a proposed ballot question on the Safe City Ordinance prepared by City Attorney Gordon Quinn.

MOTION: On a motion by Councilor Allis, second by Councilor Mass, it was,

MOVED: TO AMEND THE FORM OF THE BALLOT QUESTION FOR CLAIRIFCATION AND CONSISTENCY PURPOSES APPROVED BY THE CITY COUNCIL ON AUGUST 21, 2019 ORDER NO. FY20-026 AS INDICATED BELOW:

Binding Ballot Question 2

Shall the following measure, which was proposed to be rescinded by voters in a citizens referendum petition, take effect?

Summary

That the Greenfield City Council amends the code of the City of Greenfield by adding Chapter 353 establish the City of Greenfield as a Safe City Ordinance as summarized below and further amends the table of contents and index of contents of the code and further that non-substantive changes to the numbering of the ordinance be permitted in order that it be in compliance with the numbering format of the code of the City of Greenfield.

The Safe City ordinance would be effective immediately upon passage. Its purpose is to affirm that Greenfield is a welcoming City which embraces everyone including but not limited to the immigrant, the refugee, the asylum seeker and anyone of good faith and good will who wishes to be a member of our community. While the ordinance would not prohibit or restrain any City official from sending to, or receiving from, any local, state or federal agency information regarding citizenship or immigration status consistent with 8 U.S.C. Section 1373, the ordinance would establish that:

- a) A City official shall not inquire as to an individual’s immigration status unless required by federal or state law.
- b) A City official shall not target with legal action or discriminate against a medical, educational, or faith institution in their mission of providing refuge to immigrants and their families.
- c) A City official shall not initiate an investigation or take law enforcement action, including regulatory action, on the basis of actual or perceived immigration status.
- d) Notwithstanding sections 2 (a) and 2 (c), above, a person’s immigration status shall not prohibit or inhibit the City or any City official’s participation in any government operation or program that confers an immigration benefit, or temporarily or permanently protects noncitizens from removal as provided through programs such as the U Visa, the T Visa, and the Federal Violence Against Women Act.
- e) When an individual is eligible for release from custody, a City official shall not detain nor delay the release of an individual on the basis of a civil immigration detainer request or an ICE administrative warrant for the individual.
- f) A City official shall honor judicial warrants, but shall not respond to an ICE request for notification about the incarceration status or pending release of a person in custody and shall not otherwise communicate with ICE about a person who is in its custody, including providing information about the person’s release from custody, home address, work address, or phone number.
- g) To the extent permissible by law, a City official shall not perform the functions of an immigration officer, whether pursuant to 8 U.S.C. Section 1357 (G) or any other law, regulation, or policy, whether informal or informal.

A yes vote would uphold the City council vote above and allow the Safe City Ordinance to go in to effect.

A no vote would rescind the City Council vote and not allow the Safe City Ordinance to go into effect.

YES _____
NO _____

DISCUSSION: Attorney Quinn explained the reasons for the amendments to the ballot question. Other discussion included:

- Clarification was made if the original vote with the original language would stand if the amended ballot question was voted down.
- Clarification was made that Councilor Mass's friendly amendment was to the motion and not to any part of the ballot question.
- A few Councilors voiced their continued support for the Safe City Ordinance and hoped the voters would support it.

President Renaud accepted a friendly amendment from Councilor Mass to add the following language to the motion: "and to allow the Town [City] Clerk to make non substantive changes to form and position.

President Renaud accepted a friendly amendment from Councilor Gilmour to change the language in paragraph "g" of the ordinance from "**informal** or informal" to "**formal** or informal."

It was by roll call, 12 yes, 0 no,

VOTED: TO APPROVE MOTION WITH AMENDMENTS AS FOLLOWS:

TO AMEND THE FORM OF THE BALLOT QUESTION FOR CLAIRIFCATION AND CONSISTENCY PURPOSES APPROVED BY THE CITY COUNCIL ON AUGUST 21, 2019 ORDER NO. FY20-026 AS INDICATED BELOW **AND TO ALLOW THE [CITY] CLERK TO MAKE NON SUBSTANTIVE CHANGES TO FORM AND POSITION:**

Binding Ballot Question 2

Shall the following measure, which was proposed to be rescinded by voters in a citizens referendum petition, take effect?

Summary

That the Greenfield City Council amends the code of the City of Greenfield by adding Chapter 353 establish the City of Greenfield as a Safe City Ordinance as summarized below and further amends the table of contents and index of contents of the code and further that non-substantive changes to the numbering of the ordinance be permitted in order that it be in compliance with the numbering format of the code of the City of Greenfield.

The Safe City ordinance would be effective immediately upon passage. Its purpose is to affirm that Greenfield is a welcoming City which embraces everyone including but not limited to the immigrant, the refugee, the asylum seeker and anyone of good faith and good will who wishes to be a member of our community. While the ordinance would not prohibit or restrain any City official from sending to, or receiving from, any local, state or federal agency information regarding citizenship or immigration status consistent with 8 U.S.C. Section 1373, the ordinance would establish that:

- a) A City official shall not inquire as to an individual's immigration status unless required by federal or state law.
- b) A City official shall not target with legal action or discriminate against a medical, educational, or faith institution in their mission of providing refuge to immigrants and their families.
- c) A City official shall not initiate an investigation or take law enforcement action, including regulatory action, on the basis of actual or perceived immigration status.
- d) Notwithstanding sections 2 (a) and 2 (c), above, a person's immigration status shall not prohibit or inhibit the City or any City official's participation in any government operation or program that confers an immigration benefit, or temporarily or permanently protects noncitizens from removal as

provided through programs such as the U Visa, the T Visa, and the Federal Violence Against Women Act.

- e) When an individual is eligible for release from custody, a City official shall not detain nor delay the release of an individual on the basis of a civil immigration detainer request or an ICE administrative warrant for the individual.
- f) A City official shall honor judicial warrants, but shall not respond to an ICE request for notification about the incarceration status or pending release of a person in custody and shall not otherwise communicate with ICE about a person who is in its custody, including providing information about the person’s release from custody, home address, work address, or phone number.
- g) To the extent permissible by law, a City official shall not perform the functions of an immigration officer, whether pursuant to 8 U.S.C. Section 1357 (G) or any other law, regulation, or policy, whether ~~informal~~ **formal** or informal.

A yes vote would uphold the City council vote above and allow the Safe City Ordinance to go in to effect.

A no vote would rescind the City Council vote and not allow the Safe City Ordinance to go into effect.

YES _____
NO _____

ADJOURNMENT: On a motion by Councilor Mass, second by Councilor Ricketts, it was unanimously **VOTED:** TO ADJOURN THE MEETING AT 7:33 P.M.

A true copy,

Attest: _____
Kathryn J. Scott, City Clerk

GREENFIELD CITY COUNCIL MEMBERS

Greenfield High School Cafeteria
 Special Meeting
 October 1, 2019

	Attendance	FY20-038	Amend Ballot Question			
1. Sund, Verne	Y	N	Y			
2. Berson, Mark	Y	Y	Y			
3. Allis, Brickett	Y	N	Y			
4. Muzyka-Pyfrom, Wanda	N	----	----			
5. Dolan, Timothy	Y	Y	Y			
6. Gilmour, Sheila	Y	Y	Y			
7. Wheeler, Otis	Y	Y	Y			
8. Mayo, Douglas	Y	Y	Y			
9. Hirschfeld, Norman	Y	Y	Y			
10. Mass, Isaac	Y	N	Y			
11. Renaud, Karen	Y	Y	Y			
12. Ricketts, Penny	Y	Y	Y			
13. Stempel, Ashley	Y	Y	Y			

9 yes 12 y
 3 no 0 no