

**SUMMARY MINUTES OF THE SPECIAL SESSION
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS
MONDAY, DECEMBER 18, 2017; 5:00 PM**

The Council convened in Special Session in the Auditorium, at the Bloomington Center for Performing Arts at 5:00 p.m., Monday, December 18, 2017. The meeting was called to order by Mayor Renner.

The Meeting was called to order by Mayor Renner who directed City Clerk Cherry Lawson to call the roll and the following members of Council answered present:

Aldermen Joni Painter, Diana Hauman, Mboka Mwilambwe, Jamie Mathy (arrived: 5:24 PM), Scott Black, Kim Bray, Karen Schmidt, David Sage, Amelia Buragas and Mayor Tari Renner.

Staff present: Steve Rasmussen, Interim City Manager; Jeffrey Jurgens, Corporation Counsel; and Cherry Lawson, City Clerk, Nicole Albertson, Human Resource Director, Austin Grammer, Economic Development Coordinator; Robert Yehl, Water Director; Brian Mohr, Fire Chief, Brendan Heffner, Police Chief and other city staff.

Public Comment

Motion by Alderman Bray, seconded by Alderman Painter to suspend the rule regarding the 30 minute time limit for Public Comment and move that Council extend the Public Comment to 60 minutes.

Ayes: Aldermen, Painter, Schmidt, Mwilambwe, Black, Hauman, Buragas, Mathy, Sage and Bray.

Nays: None

Motion carried.

Mayor Renner opened the meeting to receive public comment.

Bob Rider	Gregory Wade	Mary Meier	Jacquelyn Rodriquez
Angela Scott	Don Carlson	Joe Walden	Babs Allen
Gary Lambert	Emily Vigneri	Maura Toro-Morn	Sonny Garcia
David Eades	Aaron LeNeve	Gabe Cripe	Rabbi Rebecca
Robert Werkman	Jill Blair	Mike Matejka	Louis Goseland
Cinnamon Porter			

Presentation, Discussion and Direction on a Welcoming City Ordinance. (*Presentation by Jeff Jurgens, Corporation Counsel and Brendan Heffner, Police Chief 10 minutes, Council discussion 15 minutes.*)

Mr. Jurgens provided a brief overview of the proposed ordinance and deferred to Chief Brendan Heffner for additional background. During his career with the City, he nor his staff has generated any reports illegal citizens. His department views its citizens as citizens

Chief Heffner stating for clarification that this item is not about money. The Bloomington Police Department welcomes the idea of a ‘Welcoming City’. He cannot support the language that is contained which inhibits the Department contact with Federal Agencies, as it proposes a risk to public safety. Bloomington Police has and will continue to enforce the law and assist victims in a fair and impartial manner regardless of where the person comes from or immigration status. The Department will continue to exhaust all of its resources when working to solve a crime, as well as work collaboratively with other agencies when needed to solve crimes within our community.

Alderman Painter asked Chief Heffner for a hypothetical situation when ICE had to be called in for assistance. Chief Heffner stated when there is a crime of a serious nature through interviews and witnesses, and information comes up during the course of the discussion that the person came from across the border. Bloomington Police may contact FBI, Marshall, or County Sheriff for assistance if it leads to solving a crime. That another situation may be self-reporting. Chief Heffner provided an example of a particular situation that occurred, as there may be a risk to citizens and/or the community.

Alderman Painter asked about the language in the proposed ordinance that would inhibit the Chief from taking action. Mr. Jurgens reported that the City has raised some concerns with a couple of provisions that are cited within the documents presented, such as: Section 4 which talks about a prohibition to spending municipal resources including time that would assist in the immigration enforcement operations including request for information, that is one of those provisions that the City has had concerns with; there is a ‘whereas’ clause that encourages the police department to consider the impact of an arrest if the person is undocumented. That is also language that the police department has raised concern over as well. Both in terms of treating all persons equally as well as a public safety aspect. He stated that those are the two primary areas that they have tried to work through.

Alderman Schmidt asked whether there are any situations where an officer may request to see the documents of an individual during a traffic stop or similar situation. Chief Heffner stated, his officers request driver’s license and proof of insurance. That if a person did not have those documents, they would request to see some other form of documentation—they do not request to see someone driver’s license, insurance and immigration status. However, if someone chose to provide their immigration documents, it would be due to not having a driver’s license.

Alderman Schmidt asked Chief Heffner to elaborate on his and his staff training on the Trust Act with regard to this issue. Chief Heffner stated, he and his staff is very sensitive to this issue as his Department welcomes the idea of a Welcome City. He explained, when the Trust Act came out,

that provided his department a guideline to which they have to work under. Every officer within the department received a copy of this law, having to review and acknowledged receipt of having received and reviewed the document. There was nor is any question as to whether an officer has received or reviewed the document.

Alderman Sage restated Chief Heffner's comments that since 2002 there had not been any documented cases within the Bloomington Police Department of actions related to undocumented immigrants. Chief Heffner affirmed.

Alderman Bray asked Mr. Jurgens to speak on the Trust Act and the threshold for detention as it establishes and its references about this idea the warrant order regarding detention. She stated as she read the section that speaks to the Trust Act, it establishes threshold for the behavior of the Bloomington Police Department. Mr. Jurgens referenced subsection (c) does provide that exception if there is an actual federal warrant that has been issued. That is the point in time that police could become involved under the Trust Act; however, it specifically say nothing within that subsection that prohibits communication between federal agency officials and law enforcement agency officials. He stated that Alderman Bray is correct in those first two sections provides that the local law enforcement agency is not to be involved in those two types of actions as opposed detaining someone solely on that. You have to have a lawful order in order to detain; that, is the whole purpose of the Act.

Alderman Bray asked Mr. Jurgens to speak on the effective date of the Trust Act. Mr. Jurgens stated it is his belief that this Act is already effective—August. The training requirement goes into effect as of January 1; however, the law is already in effect.

Alderman Bray asked Chief Heffner for the status of the department training on the Trust Act. Chief Heffner stated his department has not had any formal training. He received a guide with bullet points to which his staff has reviewed and signed off acknowledging receipt of the information. The information that he had received is very straight-forward. Alderman Bray asked whether Chief Heffner felt that he and his staff were in compliant with training standards. Chief Heffner affirmed.

Alderman Mwilambwe asked whether there are any types of educational programs in place to assist persons who may be in need of the information. Chief Heffner stated, he is not aware of any programming available to assist the public; however believe that community agencies would be in a much better position to provide that information to the public. Alderman Mwilambwe asked whether the City is knowledge about the number of persons who have been deported. Chief Heffner stated, no to his knowledge. However, that does not mean that it has not happened, but not with the assistance with his Department.

Alderman Black encouraged everyone to read the executive summary as it does a great job in summarizing the presentations that were heard during the meeting, as provides some insight to a fact-based discussion about the actions of the Council. He proposed that this item come back to Council for a vote to focus in on those things that the City is not doing such as turning people over to Immigration and Customs Enforcement. To really focus in on the fact that the City does not

participate in that type of behavior. An ordinance that is targeted and deliberate will do just that. It is his hope that the emails that have been sent or shared with colleagues will be shared, as he does appreciate hearing feedback on these topics. He stated that this is a topic that is not just a Bloomington City issue, but a community-wide issue. It is his hope that other community partners will speak to this issue as well.

Alderman Hauman suggested that Chief Heffner and Mr. Jurgens review the ordinance and remove the language that they feel that does not support the mission of the Police Department. She proposed.

5. Presentation and discussion of The Downtown Task Force Final Report. *Discussion only. (Presentation by the Downtown Task Force 10 minutes, Council discussion 20 minutes.) (Alderman Buragas requested to delay this item until a future Council Meeting.)*

Mayor Renner asked for a motion to delay the discussion of the Downtown Task Force Final Report.

Motioned by Alderman Buragas, seconded by Alderman Painter to delay the discussion of the Downtown Task Force Final Report until a future Council Meeting.

Ayes: Aldermen, Painter, Schmidt, Mwilambwe, Buragas, Mathy, Hauman, Black, Sage and Bray.

Nays: None

Motion carried.

Adjournment (approximately 6:22 PM)

Motion by Alderman Schmidt seconded by Alderman Hauman to adjourn. Time: 6:43 PM.

Motion carried (Viva Voce).

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Cherry L. Lawson, City Clerk