



LEBANON FAIR & IMPARTIAL POLICING TASK FORCE
OCTOBER 6, 2020 - 5:00 PM
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE

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- 1. Call to Order**
 - 2. Approval of Minutes**
 - A. August 4, 2020
 - B. August 18, 2020
 - C. September 1, 2020
 - D. September 15, 2020
 - E. September 29, 2020
 - 3. New Business**
 - A. Provision 4
 - B. Provision 5, Section B
 - C. Provision 9 - Implementation and Enforcement
 - D. Draft recommendation to City Council
 - 4. Open to the Public**
 - 5. Other Business**
 - 6. Adjournment**

Due to the current situation with the COVID-19 Pandemic, the City of Lebanon is offering its meetings via Microsoft Teams. Members of the public are encouraged to attend by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the Microsoft Teams software or by phone. Please visit LebanonNH.gov/Live for full details.

THE AGENDA, IN ITS ENTIRETY IS AVAILABLE ON THE CITY'S WEBSITE AT [LEBANONNH.GOV](https://LebanonNH.gov)

Members of the Welcoming Lebanon Ordinance group met with Attorney Kira Kelly and suggest the following revision of Provision 5 Section B

Current Recommendation Provision 5 Section B

Where collection, retention, utilization or disclosure of the specific information is required by statute or court order (or judicial warrant) and is unrelated to the enforcement of federal civil immigration law.

Page 2 and 3 of this document provide analysis to support this version of Provision 5 Section B and include Provision 3 from the original Welcoming Lebanon Ordinance and Attorney Waugh's suggested revision to create Provision 4 and Provision 5 Section B.

Sarah Wraight, a member of the Welcoming Lebanon Ordinance petitioners' group, voiced her suggestion regarding a revision of Provision 5 Section B during the most recent task force meeting on September 29, 2020. Welcoming Lebanon Ordinance group members base the submitted revision on her analysis.

Sarah Wraight's Analysis and Suggestion

Sarah states that it seems that Attorney Waugh is allowing exceptions for the following cases:

1. "When citizenship information is required or procedurally necessary as part of an ongoing investigation of a violation of law including but not limited to a violation of this ordinance itself, OR
2. When citizenship information is required as part of litigation or a quasi-judicial administrative proceeding unrelated to the enforcement of federal immigration law, OR
3. When citizenship information is required by statute or court order."

Further, Sarah asks if "it would be sufficient to instead allow exceptions only for the following cases: Where citizenship information is required by statute or court order AND the investigation is unrelated to the enforcement of federal civil immigration law.

...Bernie's case #2 would technically be covered by the "required statute or court order" language, and that Bernie's case #1 would be sufficiently covered by the "required by court order" language. ...:

- **something "required as part of litigation" - in that case, you can just get a court order, can't you?**
- **something required as part of a quasi-judicial administrative proceeding - in that case, the requirement should already be written into statute.**
- **something required or procedurally necessary as part of an ongoing investigation of a violation of law including but not limited to a violation - the whole point of this ordinance is NOT to give police officers the discretion to decide when they collect this information. Enforcing immigration law is outside their jurisdiction, so gathering that information shouldn't be up to their discretion. If they want or "need" the information, then they can ask the court for a court order, just like they would ask for a search warrant."**

Welcoming Lebanon Ordinance: Original Provision 3

3. No Agent or Agency shall disclose information regarding the Citizenship or Immigration status of any person **unless required to do so by legal process** or such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by the individual's parent or guardian. This section shall not apply when such information sharing is necessary to an ongoing investigation of a felony, for which there is probable cause, and the investigation is unrelated to the enforcement of federal civil immigration law.

Comment: In Atty Waugh's legal opinion of the Welcoming Lebanon Ordinance (1/13/22020), the following concern was expressed regarding Provision 3: "It says such disclosure is allowable if **"required...by legal process..."**. But the term "legal process" is not defined in the ordinance. Does it refer only to court or administrative proceedings, or is a statutory requirement adequate? "

Provision 3 of the Welcoming Lebanon Ordinance was adopted from the version of the Welcoming Hartford Ordinance at the time the Lebanon Committee submitted the ordinance to Lebanon's city clerk. Hartford subsequently changed the wording from "required ...by legal process" to **"unless required to do so by statute or court order"**. Lebanon could make the same change to Provision 3 of the Welcoming Lebanon Ordinance and solve the issue raised in the January opinion.

Proposed Revised Welcoming Lebanon Ordinance (Bernie Waugh)

Provision 4 (Provision 3 in the original ordinance)

No agent or agency of the City shall disclose information regarding the U.S. citizenship or immigration status of any person, unless such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by the individual's parent or guardian.

Provision 5 (Exceptions)

B. Where collection, retention, utilization or disclosure of the specific information is required or **procedurally necessary as part of an ongoing investigation of a violation of law** including but not limited to a violation of this ordinance itself, or as part of litigation or a quasi-judicial administrative proceeding unrelated to the enforcement of federal immigration law, or by statute or court order.

Comment: The phrase **"procedurally necessary as part of an ongoing investigation of a violation of law"** in Section B is vague and subject to interpretation. Given the intent of provision 4 to prohibit disclosure of citizenship and immigration status, it is important to consider the proposed revision from the Welcoming Lebanon Ordinance group.

Respectfully Submitted 10/5/2020:

Kathleen Beckett on behalf of the Welcoming Lebanon Ordinance group

From: **Barry Schuster** <barry@ivylegal.com>
Date: Sun, Oct 4, 2020 at 1:16 PM
Subject: Welcoming Ordinance
To: Kathleen Beckett <beckettkathleen7@gmail.com>
Cc: Karen Liot Hill <karenliothill@gmail.com>

Kathy,

I'm sorry that I was unable to provide you with an updated draft of the ordinance at the end of last week but the days got away from me.

Also, ... I've been giving a lot of thought to some of the provisions and I am concerned about a few remaining provisions of the draft we have so far. One concerns the liability of employees of the city and how the City implements the ordinance. One of the other concerns is the breadth of the reach to people connected to the City. As we have proposed it, the term "agent" can cover so many people, even independent contractors like electricians who do repairs or construction for the city, and mutual aid firefighters who are working with or for the city on emergencies. I'm not sure how the City can control them or provide them advance instructions about the ordinance.

I am also concerned about bringing in the "full force" of the criminal law for a violation of the ordinance. I don't do any criminal law work for a reason and I am very cautious about invoking that system of law and it could bring about real hardship on someone who inadvertently violated the ordinance and is now subject to a criminal process, and has to defend themselves without any city assistance. Lastly, given the significant reluctance on the part of the City about checkpoint notifications, I am suggesting a more broadly stated provision that may not attract the attention of a federal prosecutor whose persuasion is offended by the City's welcoming-ness and who might want to make an example by prosecuting the City for a violation of federal law.

So, with that said, attached is the latest amalgam of the ordinance with all of the suggestions, Bernie's in red, mine in blue, and all of the others in italic.

Thank you for all of your thoughtful input which has been so helpful to me.

Barry

603-276-9858

WELCOMING LEBANON ORDINANCE

working draft - as of 9/30/20

discussed revisions are in italic

comments by Attorney Waugh in red

Proposed Revision of the Purpose/intent

Whereas The City Council of Lebanon wishes to act in accord with the City's Master Plan, Principles for Sustainability and Guiding Principles in preserving the public trust and promoting community identity, civic pride, and quality of life for all residents regardless of race, skin color, national or ethnic origin, gender identity, sexual orientation, mental or physical disability, religious or political opinion or activity, immigration status or housing status; and,

Whereas The City Council of Lebanon wishes to take a leading role in protecting civil liberties, promoting tolerance, and providing equal protection under the law to all persons in the City."

Proposed Purpose/Intent

The people of Lebanon voted by Citizens' Initiative Ballot measure to enact the Welcoming Lebanon Ordinance. The purpose of this Ordinance is to establish the City's procedures concerning its residents' immigration status and its responsibilities and powers regarding federal civil immigration enforcement.

This Ordinance gives substance to the sentiments in the City of Lebanon's "Resolution for Inclusiveness" proclaimed by the City Council on June 20, 2018 and commits the City to preserve the public trust, affirm human rights and constitutional rights, and promote community identity, civic pride, and quality of life for all people regardless of race, skin color, national or ethnic origin, cultural group, language, gender identity or expression, sexual orientation, mental or physical ability, age, religious or political opinion or activity, economic status, immigration status, or housing status. The City of Lebanon commits to protecting civil liberties, promoting tolerance, and providing equal protection under the law to all persons in the city. Such protections strengthen trust and collaboration among community members in keeping all residents and visitors safe.

Furthermore, the City recognizes that a person's presence in the United States without documents is not a crime and that the City presently lacks the legal authority to enforce noncriminal civil violations of federal immigration law.

Due to the City's limited resources; the complexity of immigration laws; the clear need to foster the trust of and cooperation from the public, including members of the immigrant communities; and to effectuate the City's goals, we find that there is a need to articulate guidelines regarding the relationship between the City and the federal government and to clarify the federal Constitutional protections Lebanon has against federal agencies commandeering its resources.

Definitions

As used in this ordinance, the following words and phrases shall mean and include:

Administrative warrant. "Administrative warrant" means an immigration warrant issued by a federal agency charged with the enforcement of civil immigration laws, used as a non-criminal, civil warrant for immigration purposes.

Agency. "Agency" means every department, agency, division, commission, council, committee, board, or other body of the City of Lebanon established by authority of state law, the Lebanon City Charter, or an ordinance, executive order, or order of the Lebanon City Council.

Agent. "Agent" means any person employed by or acting on behalf of an Agency, whenever any such person is acting within the scope of that person's employment or agency capacity, or when utilizing or disclosing any information that may be learned in the course of that person's employment or agency capacity. The term includes any volunteer acting on behalf of an Agency, as well any person with access to Agency information which is not available to the general public.

Citizenship or immigration status. "Citizenship or immigration status" means all matters regarding questions of citizenship of the United States or any other country or of the authority to reside in or otherwise be present in the United States.

Federal immigration authorities. "Federal immigration authorities" means federal agencies, departments, or employees tasked with enforcement of immigration law and border entry, including without limitation, the Department of Homeland Security (DHS), Immigration Control and Enforcement (ICE), and U.S. Customs and Border Patrol (CBP).

Immigration detainer. "Immigration detainer" means an official request issued by ICE, or another federal agency charged with the enforcement of civil immigration laws ~~concerning the custody or detention of any individual, to another federal, state, or local law enforcement agency to detain an individual~~ based on a violation of a civil immigration law ~~or notify ICE or other federal immigration agency of a person's release from custody.~~

"Physical or mental ability." The term "physical or mental ability" includes, but is not limited to, "disability" as defined in RSA 354-A:2, IV.

[The following Provisions 1 - 5 are proposed to replace Provisions 1-3 of the proposed ordinance]

Provision 1

No law enforcement agent or other agent or agency of the City of Lebanon, ~~or any volunteer assisting the efforts of such agent or agency,~~ shall profile, target, detain, or otherwise

discriminate against any person because of any of the following, whether actual or perceived: age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability, national origin, sexual orientation, ethnicity or culture, language or religion, economic or housing status, or citizenship or immigration status.

Provision 2

No person shall be questioned in a manner which is biased or discriminatory, as described in Provision 1, and no personal information may be collected, retained, utilized, or disclosed in any discriminatory manner or to any discriminatory purpose or effect by any agent or agency of the City.

Provision 3

No agent or agency of the City of Lebanon shall request, collect, or retain information about, or otherwise investigate or assist in the investigation of the United States citizenship or immigration status of any person in the City of Lebanon.

Provision 4

No agent or agency of the City shall disclose information regarding the U.S. citizenship or immigration status of any person, unless such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by the individual's parent or guardian.

Provision 5

Notwithstanding Provisions 1-4 above, agents of the City may question about, collect, retain, utilize, and disclose information concerning the criteria listed in Provisions 1-4 in the following circumstances, as long as that is done on an impartial basis and in a non-discriminatory manner:

A. Where collection, retention, utilization, or disclosure of the specific information is mandated in order to implement a municipal program, process, or function **which is performed by the City** unrelated to the enforcement of federal immigration law, **which is performed by the City**, but whose rules and parameters are imposed by state or federal law or authority, including but not limited to federal and state laws governing employment and elections.

B. Where collection, retention, utilization, or disclosure of the specific information is required **by statute or court order** or procedurally necessary as part of an ongoing investigation of a violation of law *unrelated to immigration law or citizenship status*. ~~including but not limited to a violation of this ordinance itself, or as part of litigation or a quasi-judicial administrative proceeding unrelated to the enforcement of federal immigration law, or by statute or court order.~~

*Where collection, retention, utilization or disclosure of the specific information is required by statute or court order or when information sharing is necessary to an ongoing investigation of a violation of this Ordinance or a felony, for which there is probable cause, and the investigation is unrelated to the enforcement of federal civil immigration law.
[From Kathy Beckett 9-28-20]*

C. Where the information is being collected or retained solely for purposes of evaluating and improving the performance of the Police Department or other City agency with respect to its compliance with the impartiality and non-discrimination requirements of Provision 1 and 2 above.

D. Where relevant economic information is being collected, retained, or utilized in the course of administering a program of benefits based on financial need, including but not limited to general assistance under RSA Ch. 165.

6 [formerly paragraph 4]. No Agent or Agency shall condition the provision of City of Lebanon benefits, opportunities, or services on matters related to citizenship or immigration status unless required to do so by statute, federal regulation, or court decision. Where presentation of a New Hampshire driver's license or identification card is accepted 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 (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 New Hampshire driver's license or identification card, except that this subsection shall not apply to the completion of the federally mandated 1-9 forms.

7 [formerly paragraph 5]. No Agent or Agency of the City of Lebanon, including Law Enforcement, shall aid or participate in immigration enforcement actions. An Agent or Agency is authorized to communicate with Federal immigration authorities in order to determine whether any matter involves enforcement based solely on a violation of a civil immigration law. No Agent or Agency shall:

A. arrest, detain, or continue to detain a person based solely on suspected or actual civil immigration violation.

B. arrest, detain, or continue to detain a person on an Administrative warrant or upon an Immigration detainer based solely on a violation of immigration law.

C. accept requests by Federal immigration authorities to support or assist in operations that are for civil immigration enforcement.

D. permit Federal immigration authority access to a person being detained by, or in the custody of, the Agent or Agency.

E. permit Federal immigration authorities use of agency facilities for investigative interviews or other investigative purpose.

F. respond to Federal immigration authorities' inquiries or share information about an individual with Federal immigration authorities. Such information includes but is not limited to the individual's custody status, release date/time, court dates, whereabouts, residence, employment, identification numbers, appearance, telephone number, and familial relations. For the purpose of aiding an individual who may qualify for a U, S, or T Visa, information may be shared if such disclosure has been authorized in writing by the individual to whom such information pertains.

Attorney Waugh's comment - In Provision #7 (former 5), Paragraph 6, there remains the question of whether the use, by the City, of the nationwide law enforcement database which is also accessible to federal authorities violates this section. *Assuming* that the intent is *not* to prohibit the City from participating in such a database, I would suggest adding something like the following at the end of that paragraph: "***Nothing in this Section shall be construed as prohibiting participation in an inter-agency data bases such as the National Crime Information Center, so long as its utilization by City agents is not biased or discriminatory, and does not violate the prohibitions in Provisions 3 and 4 above.***" (If, on the other hand, the Task Force believes the Ordinance's intent is to prohibit such database use altogether, I would strongly urge another talk with Chief Mello.)

Suggested Revised Par 6.

In order to maintain public safety and the orderly processes for all citizens traveling in and through the city of Lebanon, if any Agent of the City confirms that there exists a delay or obstruction in the normal flow of traffic including, for instance, a Federal immigration authority checkpoint, such information shall be reported to the office of the City Manager who shall promptly cause the City to notify the public which may be done through the LebAlert system. [Barry]

~~*the presence of checkpoints along our roads and highways that interfere with the flow of traffic should be reported to the public. If any Agent of the City becomes aware of a Federal immigration authority's presence at said checkpoint in the City for the purposes of questioning, detaining or gathering immigration status information from any person or persons, or other enforcement action, the City shall act to notify the public as soon as they become aware. This should be done by both the City of Lebanon and community organizations once they become aware. Notification can be made through the LebAlert system. [and other organizations?] as well as partner organization communications protocols.*~~

8 [formerly original paragraph 6]. If any Agent or Agency becomes aware of a Federal immigration authority's presence in the City for the purposes of questioning, detaining or gathering immigration status information from any person or persons, or other enforcement action, the Agent or Agency shall immediately act to inform residents of the City of that presence through any reasonable means and channels available to the City, such as LebAlert and other

media.

Severability

If any provision, clause, section, part, or application of this chapter to any person or circumstance is declared invalid by any court of competent jurisdiction, such invalidity shall not affect, impair, or invalidate the remainder hereof or its application to any other person or circumstance. It is hereby declared that the legislative intent of the City Council that this Ordinance would have been adopted had such invalid provision, clause, section, part or application not been included herein.

[Attorney Waugh suggestion 9-28-20]

Section 9 - Implementation and Enforcement.

A. Failure by agents of the City to comply with this Ordinance shall not constitute a crime, but shall be deemed a violation offense, as set forth in RSA 625:9, V-a.

~~Failure by agents of the City to comply with the Welcoming Lebanon Ordinance shall be addressed under the terms of the City's personnel policies., while not a criminal offense, shall be a violation according to NH RSA 625:9. [Barry]~~

B. Any person who believes that they have been subjected to a violation of this Ordinance by a City employee, or who otherwise has personal knowledge of such a violation, may submit a complaint in whatever form or manner the complainant chooses, to the employee or department involved, or to the City Manager, or may submit such a complaint anonymously. Reasonable efforts shall be made to accommodate any language barriers. Such complaints shall be handled in accord with applicable City complaints and investigations policies; provided, however, that at the discretion of the Manager the complaint may be referred to the appropriate law enforcement agency having jurisdiction, and any internal investigation may be delayed pending the outcome of the law enforcement agency's involvement.

C. Complaints alleging violations of this Ordinance by non-employee agents of the City, including appointed or elected officials, shall be filed with or forwarded to the City Manager, who may take such action as is appropriate in light of the nature of the complaint, including referral to the law enforcement agency having jurisdiction, and/or referral to the Council for such action as it deems justified.

D. This Ordinance shall not be construed to create any civil cause of action, or to form any basis of liability on the part of the City or its agents. *However, nothing herein shall be deemed to pre-condition or restrict any person from pursuing a violations complaint in court pursuant to Paragraph A above, or from seeking such alternative remedies as may be available under existing state or federal laws. [last sentence suggested by Attorney Waugh on 9-1-20].*

Provision 9: Implementation and Enforcement

A. Failure by agents of the City to comply with this Ordinance shall not constitute a crime, but shall be deemed a violation offense, as set forth in RSA 625:9, V-a.

B. Any person who believes that they have been subjected to a violation of this Ordinance, or who otherwise has personal knowledge pertaining to such a violation, may submit a complaint to the department involved, or to the City Manager or Director of Human Resources. Upon adoption of this Ordinance, the City shall develop a complaint form, which shall be readily available to the public, but whose use shall not be deemed mandatory. Reasonable efforts shall be made to accommodate any language barriers.

C. Any employee of the City who has reason to believe a violation of this Ordinance has occurred shall immediately report it to their supervisor. All supervisors are responsible for continued oversight of employees under their supervision to assure compliance with this Ordinance.

D. Any person accusing a City employee of a violation, or otherwise expressing a wish to file a complaint, shall be given the name of the relevant supervisor and access to a complaint form. The employee involved shall report the accusation or incident to their supervisor as soon as practicable

E. All reports or complaints, formal or informal, against City employees filed with or communicated to the City under this Ordinance shall be investigated in accordance with applicable internal affairs procedures and personnel policies. Violations of this Ordinance, including failure to report violations under C above or accusations under D above, may result in disciplinary action as outlined in such policies and procedures.

F. Complaints alleging violations of this Ordinance by non-employee agents of the City, including appointed or elected officials, shall be filed with or forwarded to the City Manager, who may, depending on the nature of the complaint, either initiate an investigation or refer the matter to the Council for such action as it deems justified.

G. This Ordinance shall not be construed to create any civil cause of action, or to form any basis of civil liability on the part of the City or its agents. However, nothing herein shall be deemed to pre-condition or restrict any person from pursuing a violations complaint in court pursuant to Paragraph A above, or from seeking such alternative remedies as may be available under existing state or federal laws.

Proposed Provisions on Enforcement (paragraphs A through G of Provision #8 or #9 depending on what happens to the original #6), as submitted by Beckett/Waugh with the 9/1 agenda. (I have yet to hear from the City Manager with respect to any potential practical problems with this draft.)

WELCOMING LEBANON ORDINANCE
(*AS PROPOSED BY CITIZENS BINDING INITIATIVE*)

Purpose and Intent

The purpose of this Ordinance is to establish the City's procedures concerning immigration status and enforcement of federal civil immigration laws. This Ordinance builds on the City of Lebanon's "Resolution for Inclusiveness" proclaimed by the City Council on June 20, 2018.

The cooperation of all persons, citizens and non-citizens, regardless of immigration status, is essential to achieve the City of Lebanon's goals of protecting life and property, preventing crime, and resolving problems. Assistance from a person, whether documented or not, who is a victim of, or a witness to, a crime is important to promoting the safety of all its residents.

Due to the City's limited resources; the complexity of immigration laws; the clear need to foster the trust of and cooperation from the public, including members of the immigrant communities; and to effectuate the City's goals, we find that there is a need to articulate guidelines regarding the communications and enforcement relationship between the City and the federal government.

Provisions:

1. No Law Enforcement Agent, or other Agent or Agency of the City of Lebanon, or any informants or volunteers assisting their efforts shall profile, target, detain, collect or retain information, or question any person on the basis of race, ethnicity, language, religion, citizenship or immigration status.

2. No Agent or Agency of the City of Lebanon shall request information about or otherwise investigate or assist in the investigation of the citizenship or immigration status of any person in the City of Lebanon. Notwithstanding this provision, the City Council may investigate and inquire about immigration status when relevant to potential or actual litigation or an administrative proceeding in which the City is or may be a party.

3. No Agent or Agency shall disclose information regarding the Citizenship or immigration status of any person unless required to do so by legal process or such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by the individual's parent or guardian. This section shall not apply when such information sharing is necessary to an ongoing investigation of a felony, for which there is probable cause, and the investigation is unrelated to the enforcement of federal civil immigration law.

4. No Agent or Agency shall condition the provision of City of Lebanon benefits, opportunities, or services on matters related to citizenship or immigration status unless required to do so by statute, federal regulation, or court decision. Where presentation of a New Hampshire driver's license or identification card is accepted 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 (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 New Hampshire driver's license or identification card, except that this subsection shall not apply to the completion of the federally mandated 1-9 forms.

5. No Agent or Agency of the City of Lebanon, including Law Enforcement, shall aid or participate in immigration enforcement actions. An Agent or Agency is authorized to communicate with Federal immigration authorities in order to determine whether any matter involves enforcement based solely on a violation of a civil immigration law. No Agent or Agency shall

1. arrest, detain, or continue to detain a person based solely on suspected or actual civil immigration violation.

2. arrest, detain, or continue to detain a person on an Administrative warrant or upon an Immigration detainer based solely on a violation of immigration law.

3. accept requests by Federal immigration authorities to support or assist in operations that are for civil immigration enforcement.

4. permit Federal immigration authority access to a person being detained by, or in the custody of, the Agent or Agency.

5. permit Federal immigration authorities use of agency facilities for investigative interviews or other investigative purpose.

6. respond to Federal immigration authorities' inquiries or share information about an individual with Federal immigration authorities. Such information includes but is not limited to the individual's custody status, release date/time, court dates, whereabouts, residence, employment, identification numbers, appearance, telephone number, and familial relations. For the purpose of aiding an individual who may qualify for a U, S, or T Visa, information may be shared if such disclosure has been authorized in writing by the individual to whom such information pertains.

6. If any Agent or Agency becomes aware of a Federal immigration authority's presence in the City for the purposes of questioning, detaining or gathering immigration status information from any person or persons, or other enforcement action, the Agent or Agency shall immediately act to inform residents of the City of that presence through any reasonable means and channels available to the City, such as LebAlert and other media.

Failure by agents of the City to comply with the Welcoming Lebanon Ordinance, while not a criminal offense, shall be a violation according to NH RSA 625:9.

Severability

If any provision, clause, section, part, or application of this chapter to any person or circumstance is declared invalid by any court of competent jurisdiction, such invalidity shall not affect, impair, or invalidate the remainder hereof or its application to any other person or circumstance. It is hereby declared that the legislative intent of the City Council that this Ordinance would have been adopted had such invalid provision, clause, section, part or application not been included herein.