

AN ORDINANCE CONFIRMING THAT THE CITY OF RICHMOND HEIGHTS HAS NO SANCTUARY POLICY REGARDING ILLEGAL ALIENS, REPEALING ALL ORDINANCES, RESOLUTIONS AND ORDERS TO THE EXTENT OF ANY CONFLICT WITH THAT CONFIRMATION, AND ENACTING OTHER PROVISIONS CONSISTENT WITH NEW STATE LAWS REGARDING ILLEGAL ALIENS AND SUCH RELATED MATTERS, INCLUDING NEW SECTION 605.025; COMPLIANCE WITH STATE IMMIGRATION LAWS; AND NEW SECTION 140.045; BAIL, OF THE MUNICIPAL CODE OF THE CITY OF RICHMOND HEIGHTS.

WHEREAS, the State of Missouri prohibits municipalities from enacting or adopting any sanctuary policy regarding illegal aliens and imposes sanctions for violations of that prohibition, and

WHEREAS, the State has also adopted other new laws regarding such matters, and

WHEREAS, the City of Richmond Heights desires to fully comply with such State requirements;

NOW, THEREFORE, be it ordained by the City Council of the City of Richmond Heights as follows:

SECTION 1. The City of Richmond Heights hereby confirms that it has not enacted any “sanctuary policy” as defined by Section 67.307 RSMo. To the extent that any City ordinance, resolution, order or other official action limits or prohibits any City official or employee from communicating or cooperating with federal agencies or officials to verify or report the immigration status of any alien within the City, or purports to grant to illegal aliens the right to lawful presence or status within the City in violation of federal law, such ordinance, resolution, order or other official action is hereby repealed.

The City and its officials shall not in any way restrict any governmental entity or official from communicating or cooperating with the United States Bureau of Immigration and Customs Enforcement regarding citizenship or immigration status of any individual. No person or agency within the City shall prohibit or in any way restrict a public employee from taking any of the following actions with respect to information regarding the immigration status of any individual: (1) sending such information to, or requesting or receiving such information from, the United States Bureau of Immigration and Customs Enforcement; (2) maintaining such information; or (3) exchanging such information with any other federal, state or local government entity.

SECTION 2. The City Manager shall ensure that the chief of police fully complies with Section 67.307.3 RSMo by providing written notice to each current and future law enforcement

officer of their duty to cooperate with state and federal agencies and officials on matters pertaining to enforcement of state and federal laws governing immigration. The City Manager shall also ensure that, effective August 20, 2009, the chief of police shall cause the department to exert reasonable efforts to verify the lawful immigration status of any person who is charged and confined to jail from documents in the possession of that person and otherwise, including to the extent necessary verification within 48 hours through a query to the Law Enforcement Support Center of the United States Department of Homeland Security or successor office or agency, and also to notify said Department if any prisoner is determined to be in the United States unlawfully.

SECTION 3. No alien unlawfully present in the United States shall receive any state or local public benefit from the City in violation of state or federal law, including any grant, contract or loan, retirement, welfare, health, postsecondary education, scholarship, disability, housing, or food assistance benefit. Applicants for such benefits shall comply with state law including Section 208.009 RSMo. The City and its employees shall comply with such laws in processing such applications, including by cooperating with the United States Department of Homeland Security in achieving verification of an alien's lawful presence in the United States.

SECTION 4. The City Manager shall supervise the review of all City employment practices to ensure compliance with new state laws regarding classification of independent contractors and confirming eligibility for employment of any alien, including enrollment and active participation in a federal work authorization program, if available.

SECTION 5. The City Manager shall supervise the review of City bidding and contracting procedures to ensure compliance with new state laws regarding contractor commitments to confirming eligibility for employment of any alien and to employee safety training.

SECTION 6. New Section 605.025 of the Richmond Heights Municipal Code is hereby enacted to read as follows:

SECTION 605.025: COMPLIANCE WITH STATE IMMIGRATION LAWS.

In addition to all other applicable requirements of this Chapter 605:

In conjunction with the review of any application for a city occupational or business license, the City shall consult any database available under section 285.543 RSMo regarding suspension of licenses and permits of businesses that violate state alien employment restrictions. The City shall abide by directions received from any court or the attorney general regarding suspension of such licenses and permits for such violations.

[see Sections 285.525 to 285.550 RSMo]

SECTION 7. New Section 140.045 of the Richmond Heights Municipal Code is hereby enacted to read as follows:

SECTION 140.045: BAIL

(1) Any person arrested for violation of any ordinance may be admitted to bail by executing a bond to the city, with sufficient security to be approved by the municipal judge in a sum not more than one thousand dollars (\$1,000.00), conditioned that such person will appear on the day therein stated before the municipal court to answer to the charge against them, and all bonds so taken shall forthwith be filed with the municipal judge or the clerk of the court by the officer approving and taking the same, and whenever any person shall be arrested and brought before the municipal court, and for any cause the trial is postponed to a time certain, such person shall be required to enter into a recognizance with security, to be approved by the court, at the time and place appointed then and there to answer the complaint alleged against them. If any person arrested or brought before the court shall fail or refuse to enter into recognizance, they shall be committed to jail and held to answer the information filed against them.

(2) There shall be a presumption that releasing the person under any conditions shall not reasonably assure the appearance of the person as required if the judge reasonably believes that the person is an alien unlawfully present in the United States. If such presumption exists, the person shall be committed to the county jail until such person provides verification of his or her lawful presence in the United States to rebut such presumption. If the person adequately proves his or her lawful presence, the judge shall review the issue of release, without regard to previous issues concerning whether the person is lawfully present in the United States. If the person cannot prove his or her lawful presence, the person shall continue to be committed to the jail and remain until discharged by due course of law.

[See Sections 544.455 and 544.470 RSMo]

SECTION 8. This Ordinance shall take effect and be in full force and effect on the 31st day after its passage by the City Council as provided by law.

PASSED and APPROVED this 4th day of August, 2008.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: July 21, 2008
Second reading: August 4, 2008