

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SUPPORTING EFFORTS CHALLENGING AND OPPOSING EXECUTIVE ORDER 13,768, ISSUED BY PRESIDENT DONALD TRUMP ON JANUARY 25, 2017, THAT DIRECTS THE FEDERAL GOVERNMENT TO WITHHOLD FEDERAL FUNDS FROM STATE AND LOCAL GOVERNMENTS THAT PREVENT OR HINDER THE ENFORCEMENT OF FEDERAL IMMIGRATION LAWS; AND, FURTHER, URGING MIAMI-DADE COUNTY MAYOR CARLOS GIMENEZ TO RESCIND HIS MEMORANDUM DATED JANUARY 26, 2017, DIRECTING THE MIAMI-DADE CORRECTIONS AND REHABILITATION DIRECTOR TO HONOR ALL IMMIGRATION DETAINER REQUESTS FROM THE DEPARTMENT OF HOMELAND SECURITY.

WHEREAS, on January 25, 2017, President Donald Trump issued Executive Order No. 13,768 entitled "Enhancing Public Safety in the Interior of the United States" that declared the Executive Branch's policy is to withhold federal funds from "sanctuary jurisdictions" that prevent or hinder the enforcement of federal immigration law; and

WHEREAS, in response to Executive Order 13,768, mayors in major cities across America, such as Chicago, New York, and San Francisco, have expressed opposition to the Executive Order and, in fact, San Francisco has filed a Complaint for Declaratory and Injunctive Relief in the United States District for the North District of California challenging the constitutionality of the Executive Order; and

WHEREAS, in solidarity with other local governments across this nation, and the International Association of Chiefs of Police, the City Commission of the City of Miami Beach, hereby supports those efforts that challenge and oppose Executive Order 13,768; and

WHEREAS, contrary to the actions of mayors across the nation that oppose President Trump's Executive Order, Miami-Dade County Mayor Carlos Gimenez issued a Memorandum on January 26, 2017 directing the Miami-Dade County Corrections and Rehabilitations Department Director "to honor all immigration detainer requests received from the Department of Homeland Security"; and

WHEREAS, on January 27, 2017, following the issuance of his Memorandum, Mayor Gimenez issued a Statement that Miami-Dade County "has never been a sanctuary community"; and

WHEREAS, the Memorandum and Statement issued by Mayor Gimenez contradict Resolution No. R-1008-13, adopted by the Miami-Dade County Board of County Commissioners on December 3, 2013, directing that the County Mayor, or his designee, implement a policy whereby the County's Corrections and Rehabilitation

Department may, in its discretion, honor federal immigration detainer requests only if the federal government agrees to reimburse the County for its costs relating to compliance, and only when the inmate has a prior conviction for a forcible felony or a pending charge for a non-bondable offense; and

WHEREAS, on January 1, 2014, Miami-Dade County began honoring federal immigration detainer requests only when the above conditions were met; and

WHEREAS, Mayor Gimenez's recently issued Memorandum and Statement are also inconsistent with Resolution No. R-77-16, adopted by the Miami-Dade County Board of County Commissioners on January 20, 2016, which opposed legislation set forth in SB 872 and HB 675 filed in the 2016 Florida Legislative Session that would have preempted local policies regarding immigration detainer requests; and

WHEREAS, the Memorandum and Statement issued by Mayor Gimenez militate against the perception that Miami-Dade County is a welcoming community and have engendered fear among members of the County's significant and diverse immigrant population; and

WHEREAS, the Mayor and City Commission of the City of Miami Beach support the policy set forth in Miami-Dade County Resolution No. R-1008-13, and urge Mayor Gimenez to rescind his Memorandum dated January 26, 2017, which effectively nullifies Miami-Dade County's policy since December 2013 and Miami-Dade County's practice with regard to federal immigration detainer requests since January 1, 2014.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby support those efforts that challenge and oppose Executive Order 13,768, issued by President Donald Trump on January 25, 2017; and, further urge Miami-Dade County Mayor Carlos Gimenez to rescind his Memorandum to the Director of the Miami-Dade County Corrections and Rehabilitation Department dated January 26, 2017.

PASSED AND ADOPTED this ____ day of February, 2017.

ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

F:\ATTO\TURN\RESOS\ County Immigration Policy 2017.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Rafael E. Granado

City Attorney

2-6-17

Date