MEMORANDUM

Agenda Item No. 14(A)(5)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: May 4, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution opposing the State of Arizona's recently adopted SB 1070 relating to the enforcement of U.S. Immigration Laws

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: May 4, 2010

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 14(A)(5)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(5)
5-4-10

RESOLUTION NO. _____

RESOLUTION OPPOSING THE STATE OF ARIZONA'S RECENTLY ADOPTED LAW (SENATE BILL 1070) RELATING TO THE ENFORCEMENT OF UNITED STATES IMMIGRATION LAWS; REQUIRING, AMONG OTHER THINGS, THAT ALIENS AT ALL TIMES CARRY AN ALIEN REGISTRATION DOCUMENT AND PROVIDING LAW ENFORCEMENT OFFICERS WITH THE RIGHT TO DETERMINE THE IMMIGRATION STATUS OF AN INDIVIDUAL UPON "REASONABLE SUSPICION" THAT SUCH PERSON IS AN ILLEGAL ALIEN; AND URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO EXPEDITIOUSLY REFORM THE NATION'S IMMIGRATION POLICY TO PROVIDE FOR UNIFORM IMMIGRATION LAWS

WHEREAS, on Friday, April 23, 2010, Arizona Governor Jan Brewer signed into law Senate Bill 1070, which would require immigrants to at all times keep in their possession documents verifying their immigration status; and

WHEREAS, Arizona's new law would require that an attempt be made to determine the immigration status of a person during any legitimate contact with a state official or agency, including a county, city, town or political subdivision, if there is "reasonable suspicion" that the person is in the country illegally; and

WHEREAS, Arizona's law would also allow a law enforcement officer, without warrant, to arrest a person whom that officer has probable cause to believe has committed any public offense that makes the person removable from the United States; and

WHEREAS, Arizona state officials and agencies of the state and political subdivisions are able to receive and maintain information on aliens' immigration status and exchange that

information with any other governmental entity for the purpose of determining whether an alien is in compliance with federal registration laws, among other purposes; and

WHEREAS, the new Arizona law has other provisions that could potentially create a class of citizens that are considered suspect based on their ethnicity or country of origin; and

WHEREAS, the United States Immigration and Customs Enforcement agency (ICE), which is an arm of the federal government, is the appropriate authority to enforce our nation's immigration laws, and not states and local governments; and

WHEREAS, President Obama and the United States Congress should immediately engage in comprehensive and uniform immigration reform, so as to prevent the imposition of varying legal burdens on aliens throughout the United States,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Opposes the State of Arizona's recently adopted immigration law (SB 1070) and Urges President Obama and the United States Congress to immediately begin the process of reforming the nation's immigration policy, so as to provide for uniform immigration laws throughout the United States.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to President Barack Obama, the United States Congress, United States Secretary of Homeland Security Janet Napolitano, United States Senators Nelson and Lemieux, and members of the Miami-Dade County Congressional Delegation.

Section 3. Directs the County's federal lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs that the 2010 and 2011 Federal Legislative Packages be amended to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of May, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. APW/for

Martin Sybblis