

# MEMORANDUM

Special Item No. 6

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**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

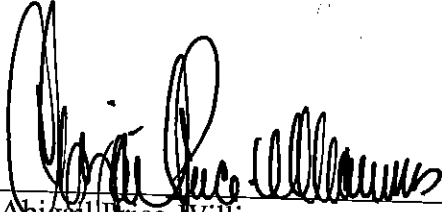
**DATE:** February 17, 2017

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution condemning  
Executive Order entitled  
"Enhancing Public Safety in  
the Interior of the United States"  
as it relates to Miami-Dade  
County's immigration detainer  
request policy

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

  
\_\_\_\_\_  
Abigail Price-Williams  
County Attorney

APW/cp



# MEMORANDUM

(Revised)

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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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor'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 \_\_\_\_\_

Special Item No. 6  
2-17-17

RESOLUTION NO. \_\_\_\_\_

RESOLUTION CONDEMNING EXECUTIVE ORDER  
ENTITLED "ENHANCING PUBLIC SAFETY IN THE  
INTERIOR OF THE UNITED STATES" AS IT RELATES TO  
MIAMI-DADE COUNTY'S IMMIGRATION DETAINER  
REQUEST POLICY

**WHEREAS**, on January 25, 2017, President Donald J. Trump issued an Executive Order entitled "Enhancing Public Safety in the Interior of the United States" (the "Executive Order"); and

**WHEREAS**, the Executive Order decrees that jurisdictions which are designated as "sanctuary jurisdictions" by the United States Secretary of Homeland Security will not be eligible to receive federal funds; and

**WHEREAS**, the Tenth Amendment of the United States Constitution limits the extent to which the federal government can coerce state and local governments by withholding federal funds; and

**WHEREAS**, on December 3, 2013, this Board adopted Resolution No. R-1008-13, a copy which is attached, which directed the Mayor or Mayor's designee to implement a policy whereby an ICE detainer request would be honored only if the federal government agreed to reimburse Miami-Dade County for the costs of detention and the inmate that is the subject of the request has a previous conviction for a forcible felony or has a pending charge of a non-bondable offense; and

**WHEREAS**, the intent of Resolution No. R-1008-13 was to save Miami-Dade County taxpayers the cost of detaining non-violent inmates beyond the point at which they would be released absent an ICE detainer request; and

**WHEREAS**, Miami-Dade County has never been formally designated or labeled as a “sanctuary jurisdiction” and does not consider itself a “sanctuary jurisdiction”; and

**WHEREAS**, the threat of being declared ineligible for federal funds as well as the threat of enforcement action both challenge the autonomy of state and local governments enshrined in the Tenth Amendment of the United States Constitution; and

**WHEREAS**, this Board condemns the Executive Order as it relates to Miami-Dade County’s immigration detainer request policy as reflected in Resolution No. R-1008-13 as an affront to the established principles of federalism and state sovereignty,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board condemns the Executive Order entitled “Enhancing Public Safety in the Interior of the United States” as it relates to Miami-Dade County’s immigration detainer request policy.

The Prime Sponsor of the foregoing resolution is Commissioner Jean Monestime. 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:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

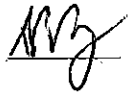
The Chairperson thereupon declared the resolution duly passed and adopted this 17<sup>th</sup> day of February, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.



Anita Viciano Zapata