

MEMORANDUM

Agenda Item No. 11(A)(2)

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

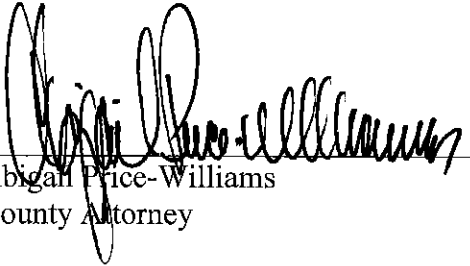
DATE: April 4, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to provide a report to the Board within 45 days identifying practices and procedures of the Miami-Dade Police Department that relate to immigration and immigrant communities and providing recommendations to ensure Miami-Dade Police Department Officers are not performing federal immigration duties; further directing the County Mayor to notify the Board if Miami-Dade County is asked to enter into any agreement with the federal government pursuant to Section 287(g) of the INA

This item was amended at the March 15, 2017 Public Safety & Health Committee to reduce the time for the County Mayor or County Mayor's designee to provide a report from 60 days to 45 days, and was amended to further direct the County Mayor or County Mayor's designee to notify the Board if Miami-Dade County is asked to enter into any agreement with the federal government pursuant to Section 287(g) of the INA.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava and Co-Sponsors Commissioner Sally A. Heyman and Commissioner Barbara J. Jordan.


Abigail Price-Williams
County Attorney

APW/lmp

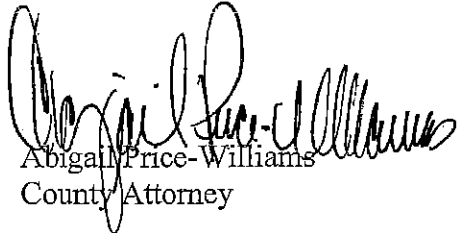


MEMORANDUM

(Revised)

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

DATE: April 4, 2017

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(2)

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 _____

Agenda Item No. 11(A)(2)
4-4-17

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE A REPORT TO THE BOARD WITHIN 45 DAYS IDENTIFYING PRACTICES AND PROCEDURES OF THE MIAMI-DADE POLICE DEPARTMENT THAT RELATE TO IMMIGRATION AND IMMIGRANT COMMUNITIES AND PROVIDING RECOMMENDATIONS TO ENSURE MIAMI-DADE POLICE DEPARTMENT OFFICERS ARE NOT PERFORMING FEDERAL IMMIGRATION DUTIES; FURTHER DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NOTIFY THE BOARD IF MIAMI-DADE COUNTY IS ASKED TO ENTER INTO ANY AGREEMENT WITH THE FEDERAL GOVERNMENT PURSUANT TO SECTION 287(G) OF THE INA

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

WHEREAS, the Executive Order directs the Secretary of Homeland Security to "take appropriate action, through agreements under section 287(g) of the INA, or otherwise, to authorize state and local law enforcement officials . . . to perform the functions of immigration officers"; and

WHEREAS, authorizing local law enforcement to perform the functions of immigration officers may undermine the trust between local law enforcement and the immigrant community of Miami-Dade County; and

WHEREAS, this Board is committed to preserving the trust between local law enforcement and the County's immigrant community; and

WHEREAS, Miami-Dade County is safer when all residents, including undocumented immigrants, feel safe reporting crimes and interacting with local law enforcement; and

WHEREAS, the Executive Order notes any agreements between the Secretary of Homeland Security and local law enforcement to perform the functions of immigration officers shall be entered into “with the consent of state or local officials”; and

WHEREAS, the County Mayor and the Miami-Dade Police Department have publicly affirmed that Miami-Dade Police Department officers will not be performing the functions of immigration officers in Miami-Dade County; and

WHEREAS, this Board agrees with this position, and seeks a better understanding of how the administration will ensure that Miami-Dade Police Department officers are not performing federal immigration duties,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board, in order to ensure a continuing commitment to the safety and security of the general public, directs the County Mayor or County Mayor’s designee to review the Miami-Dade Police Department’s practices and procedures that relate to immigration and immigrant communities and provide a report to this Board within ~~[[60]]~~¹ >>45<< days identifying and describing said Miami-Dade Police Department practices and procedures as well as providing any recommendations to ensure that a separation of duties between Miami-Dade Police Department officers and federal immigration officers is preserved and that Miami-Dade Police Department officers are not performing federal immigration duties. Such report shall be placed on an agenda of the Board pursuant to Ordinance 14-65. >>This Board further directs the County Mayor or County Mayor’s

¹ Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

designee to notify this Board if Miami-Dade County is asked to enter into any agreement with the federal government pursuant to Section 287(g) of the INA.<<

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava and the Co-Sponsors are Commissioner Sally A. Heyman and Commissioner Barbara J. Jordan. 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 4th day of April, 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