

**DOÑA ANA COUNTY
BOARD OF COUNTY COMMISSIONERS**

Doña Ana County Government Center
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County Commission
Initiating Department

Commissioner Hancock
Contact Person

September 9, 2014
Meeting Date

12
Agenda Item Number

TITLE OF AGENDA ITEM TO BE CONSIDERED

**RESOLUTION ESTABLISHING DOÑA ANA COUNTY AS A
“SAFE COMMUNITY FOR ALL RESIDENTS”**

SUMMARY OF ITEM TO BE CONSIDERED
INCLUDING PRESENTATION OF OPTIONS FOR ACTION and ACTION REQUESTED

The BOCC will consider a resolution declaring Doña Ana County to be a “Safe Community for All Residents.” The Resolution prohibits County personnel from disclosing the immigration status of County residents except in instances where such disclosure is required by federal or state law, regulations, or court order.

DESCRIPTION OF SUPPORTING DOCUMENTATION ATTACHED

Proposed Resolution
Attachment 1- Questions and Answers

SUMMARY OF FINANCIAL IMPACT

None at this time

ADMINISTRATIVE REVIEW AND APPROVAL

<u> </u> Finance	<u> </u> Legal	<u> </u> County Manager
<u> </u> Purchasing	<u> </u> Human Resources	<u> </u> Assistant County Manager
<u> </u> Planning	<u> </u> Other	

DOCUMENT CONTROL

Original/s for signature? ☒ Yes For Recording? ☒ Yes
Return original/s to: Michelle Blackwell, County Management Department
Send copy of recorded original/s (resolution and ordinances only) to: Legal Dept.
Deadline for return of document/s? ☒ No

DOÑA ANA COUNTY RESOLUTION NO. 2014-_____

**A RESOLUTION CALLING FOR DOÑA ANA COUNTY EMPLOYEES
TO SUPPORT THE CONDITIONS NEEDED TO CREATE
“SAFE COMMUNITIES FOR ALL RESIDENTS”**

WHEREAS, the Doña Ana County Board of County Commissioners is charged with the public safety and general welfare of all residents of Doña Ana County; and

WHEREAS, a safe community is a place where people can go about their daily activities without fear, or undue risk of harm or injury; and

WHEREAS, perceptions of safety—from the view point of each resident—affects the way people interact with others who are part of or outsiders to their communities; and

WHEREAS, cohesive, vibrant, and participatory communities contribute to fewer incidents of injury and crime; and

WHEREAS, safe communities are a product of sound public policy and implementation strategies that engage all government employees; and

WHEREAS, many residents of Doña Ana County may be fearful of encounters with County employees because their families are of mixed status in terms of immigration and citizenship; and

WHEREAS, every department in County government exists to provide public services to residents of the county; and

WHEREAS, public expressions in the form of personal testimony, petitions and organizational statements suggest that some County employees may have carried out their work in a manner that inappropriately considers the immigration status or citizenship of residents;

NOW, THEREFORE, the Doña Ana County Board of County Commissioners does hereby resolve that all employees of Doña Ana County shall act toward all residents in a manner that is respectful of human rights, promotes the conditions necessary to create “Safe Communities”, and allows all residents to pursue a healthy, productive life free of fear; and

BE IT FURTHER RESOLVED, that the Board of County Commissioners does hereby direct the County Manager to implement this resolution in accordance with the following provisions:

1. Distribution of this Resolution;

The Office of the County Manager shall prepare and distribute a written directive outlining the intentions, responsibilities, prohibitions, and penalties associated with this resolution. Each Departmental Director shall provide their respective employees with a copy of this directive.

As out-reach to the larger community, a copy of the resolution and copy letter outlining its implementation and asking for their support shall be sent to all elected officials within Doña Ana County, the New Mexico Congressional delegation, the Governor of New Mexico, the New

Mexico Secretary of State, the Commissioner of CBP, the Director of ICE, the United States Attorney General, and the President of the United States.

2. Use of County Funds

Unless required by federal or state statute, regulation, or court decision, no department, agency, commission, officer or employee of Doña Ana County shall use any County funds or resources to assist in the enforcement of federal immigration law or to gather, transmit or disseminate information regarding the immigration status of individuals in Doña Ana County. This prohibition shall include, but is not limited to:

- Requesting information about, transmitting or disseminating information regarding, the immigration status of any individual, or conditioning the provision of services or benefits by Doña Ana County upon immigration status, except as required by federal or state statute or regulation, or court decision. Any such existing criteria being used by the county at the time this Resolution is adopted shall be deleted within sixty days of the adoption of this Resolution.
- Including on any application, questionnaire or interview form used in relation to benefits, services or opportunities provided by Doña Ana County any question regarding immigration status other than those required by federal or state statute, regulation, or court decision. Any such questions existing or being used by the county at the time this Resolution is adopted shall be deleted within sixty days of the adoption of this Resolution.
- Assisting or cooperating, in one's official capacity, with any Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP) investigation, detention, or arrest procedures, public or clandestine, relating to alleged violations of the civil provisions of the federal immigration law.

3. Enforcement:

Violations of the provisions of this Resolution will be processed in accordance with the provisions for misconduct in Doña Ana County's Human Resources Policies and Procedures.

4. Limitations of Undertaking

This Resolution is undertaken for the sole purpose of enhancing public safety and wellbeing. The action is not intended to create any new rights for which the County may be liable in money damages to any person who claims injury due to a breach of such rights. This section shall not be construed to limit or proscribe any other existing rights or remedies possessed by such person.

5. **Severability.** If any part of this Resolution, or the application thereof, is held to be invalid, the remainder of this Resolution shall not be affected thereby, and this Resolution shall otherwise continue in full force and effect. To this end, the provisions of this Resolution, and each of them, are severable.

APPROVED AND ADOPTED this ____ day of _____, 2014, by the Board of County Commissioners of Doña Ana County, State of New Mexico.

**BOARD OF COUNTY COMMISSIONERS OF
DOÑA ANA COUNTY, NEW MEXICO**

Billy G. Garrett, Chair, District 1 For / Against

Wayne Hancock, Vice-Chair, District 4 For / Against

Dr. David Garcia, District 2 For / Against

Benjamin L. Rawson, District 3 For / Against

Leticia Duarte Benavidez, District 5 For / Against

ATTEST:

**Lynn J. Ellins
County Clerk**

INFORMATION: Q&A

1. Would Doña Ana County be alone in adopting this resolution?

No. In fact, Doña Ana County would be one of many governmental entities supporting “Safe Communities for All Residents” across the United States. The following is a list of other entities that have taken similar actions:

Anchorage, AK	Fort Collins, CO	New York City, NY
Chandler, AZ	DeLeon Springs, FL	Farmingville, NY
Davis, CA	Miami, FL	Durham, NC
Downey, CA	Chicago, IL	Portland, OR
Los Angeles, CA	Evanston, IL	Brownsville, TX
Oakland, CA	Cambridge, MA	Houston, TX
San Bernardino, CA	Baltimore, MD	Salt Lake City, UT
San Jose, CA	Detroit, MI	Fairfax County, VA
Watsonville, CA	St. Paul, MN	Seattle, WA
New Haven, CN	Newark, NJ	Madison, WI
Denver, CO	Albuquerque, NM	Jackson Hole, WY

Source: Ohio Jobs & Justice PAC

2. Does the “Safe Community for All Residents” Resolution give immigrants more benefits?

The **Safe Community for All Residents** Resolution does not change the public services available to immigrants. It does, however, ensure that everyone can feel safe accessing those services, regardless of their immigration status. It is important to note that some County services may still require people to show identification to establish eligibility for certain public benefits. However, this information will not be disclosed to federal immigration authorities.

3. How does the “Safe Community for All Residents” Resolution benefit Doña Ana County?

The **Safe Community for All Residents** Resolution helps to maintain the stability of our communities. It keeps our communities safe by making sure all residents feel comfortable calling the Police and Fire Departments during emergencies and when they are witnesses or victims of a crime. It keeps our families and workforce healthy by providing safe access to schools, clinics and other County services. It keeps our promise to treat all residents fairly by preventing wrongful, discriminatory treatment that can also put the county at risk for civil liability.

4. How does the “Safe Community for All Residents” Resolution impact law enforcement?

While the Sheriff's Department does not generally share information with federal immigration agents, there are some exceptions to this general rule. For example, local law enforcement officers may inform Immigration and Customs Enforcement (ICE) that they have arrested someone for a felony offense or who has a prior felony conviction, if officers become aware that the arrested person is an undocumented immigrant.