



AGENDA REPORT
August 14, 2018

Prohibiting Sanctuary Policies

SUBJECT:

Prohibition of Sanctuary Policies

DEPT/OFFICE:

District 3

REQUESTED ACTION:

Board consideration and passage of the attached resolution.

SUMMARY EXPLANATION and BACKGROUND:

Illegal immigration is an issue that affects everyone. Immigration policy is, however, largely controlled by federal law. The enforcement of these laws depends on, and often requires, local officials cooperating with federal authorities. Unfortunately, local governments across the Country, including in the State of Florida, have taken action to prevent local officials from performing their duty to assist federal authorities in enforcing the law as it exists. This resolution seeks to prevent this occurrence in Brevard County.

This resolution sets official policy which prevents the County from interfering in the duty to assist federal immigration officials through its policies.

To reiterate, this resolution is not directed at any current County official. There is no doubt that current management would never create policies which would intentionally interfere with federal law enforcement. This resolution is designed to prevent future Boards from setting "sanctuary" policies.

ATTACHMENTS:

Description

- **Resolution Sanctuary Policies**



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

August 15, 2018

MEMORANDUM

TO: Commissioner John Tobia, District 3

RE: Item J.4., Resolution Prohibiting Sanctuary Policies

The Board of County Commissioners, in regular session on August 14, 2018, adopted Resolution No. 18-106, prohibiting the adoption of Sanctuary Policies. Enclosed is a certified copy of the Resolution for your action.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/ds

Encl. (1)

cc: Each Commissioner
Honorable Sheriff Ivey
County Manager
County Attorney

RESOLUTION 2018- 106

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, PROHIBITING THE ADOPTION OF SANCTUARY POLICIES.

WHEREAS, federal law precludes local governments from restricting governmental agencies and officials from communicating with the Immigration and Naturalization Service¹; and

WHEREAS, local governments across the United States of America, including several jurisdictions in the State of Florida, have adopted policies limiting or preventing cooperation with federal law enforcement authorities, commonly known as “sanctuary” policies; and

WHEREAS, unchecked illegal immigration, protected by sanctuary policies, could increase the tax burden for Brevard County taxpayers; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, desires to ensure that County staff comply with federal immigration laws.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA:

SECTION 1. PROHIBITION OF SANCTUARY POLICIES.

The Board of County Commissioners directs the County Manager to ensure that neither the County Manager nor his staff develop, endorse, or enforce policies which knowingly prohibit or impede communication or cooperation with a federal immigration agency with respect to federal immigration enforcement, including, but not limited to, limiting or preventing a state entity, local governmental entity, or law enforcement agency from lawfully:

- (a) Complying with an immigration detainer;
- (b) Initiating an immigration status investigation; or
- (c) Assisting or cooperating with a federal immigration officer as reasonable or necessary.

SECTION 2. SEVERABILITY. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, sentence or paragraph hereof.

SECTION 3. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption.

¹The Immigration and Naturalization Service no longer exists and most of its functions were transferred to the U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), and U.S. Customs and Border Protection (CBP).

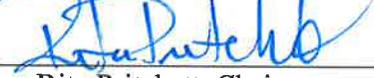
DONE AND ADOPTED in Regular Session of the Board of County Commissioners of Brevard County, Florida, this 14 day of August, 2018.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 

Rita Pritchett, Chair

As Approved by the Board on 8/14/18

Public Comment
J.4.

Lewis, Sally A

From: David Jaroslav <djaroslav@fairus.org>
Sent: Tuesday, August 14, 2018 2:42 PM
To: Lewis, Sally A
Cc: 'clerktotheboard@brevardclerk.us'; Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5; Shari Rendall
Subject: Testimony in support of resolution prohibiting sanctuary policies
Attachments: SKMBT_C45418081411010.pdf

Dear Ms. Lewis:

Good afternoon! Attached please find written testimony from Shari Rendall, State and Local Director of the Federation for American Immigration Reform (FAIR), expressing FAIR's support for Agenda Item J.4 of this evening's Brevard County Commission meeting, the resolution prohibiting the adoption of sanctuary policies. If you could please ensure that this is included in the record of the meeting and provided to the Commissioners for their consideration, that would be greatly appreciated.

Sincere thanks,

David L. Jaroslav
State & Local Legislative Advisor
Federation for American Immigration Reform
25 Massachusetts Ave., NW Suite 330
Washington, D.C. 20001
202-328-7004

CC: Clerk to the Board, County Commissioners, Shari Rendall



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FAIR is a nonprofit public interest organization working to end illegal immigration and to set levels of legal immigration that are consistent with the national interest



FEDERATION FOR AMERICAN IMMIGRATION REFORM

August 14, 2018

Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

Dear Commissioners:

My name is Shari Rendall and I am the State and Local Director at the Federation for American Immigration Reform (FAIR). FAIR is a non-profit, non-partisan organization of 2 million members, supporters and concerned individuals who believe that our immigration laws must be reformed – and enforced – to better serve the needs of current and future generations.

For nearly 40 years, we have been offering ideas and advocating solutions that help reduce the harmful impact of illegal immigration on national security, public safety, jobs, education, health care, and our environment. As such, I write to express FAIR's strong support for Commissioner Tobia's resolution prohibiting the adoption of sanctuary policies.

Illegal immigration affects all facets of society, from the cost of education, to healthcare, to public benefits, to public safety and national security. Although the federal government is responsible for regulating immigration into the United States, local communities play an important role in helping to ensure that immigration law is effectively enforced and often pay the highest price when they aren't.

Sanctuary policies are bad public policy for the following reasons:

- Sanctuary policies endanger public safety. When state and local law enforcement or other officials fail to contact federal immigration authorities, criminal aliens are able to reenter communities and engage in further criminal activity at the expense and safety of citizens and legal immigrants. Even the average illegal alien, who some claim is "otherwise law-abiding," frequently violates numerous state and federal laws, including, but not limited to, those prohibiting identity theft,



forgery, and driving without a license or insurance, putting real victims in harm's way through their behavior.

- Sanctuary policies are perverse incentives, turning the places that adopt them into magnets for more illegal immigration. Accommodating those who violate our immigration laws encourages others to follow the same path and gives prospective immigrants little reason to pursue legal paths to immigration when they can side step the process and gain the same benefits. This increased illegal immigration results in higher costs of living, reduced job availability, lower wages, higher crime rates, fiscal hardship on hospitals and substandard quality of care for residents, burdens on public services, and a reduction on the overall quality of life.
- Sanctuary policies are expensive, and shift the costs of illegal immigration onto citizens and legal immigrants. Because of the difficulties of collecting taxes from people who are not lawfully present, many illegal aliens utilize state and local benefits and resources without contributing their fair share into the tax base.
- Sanctuary policies insult those legal immigrants who have patiently waited for months or years for the U.S. State Department and Department of Homeland Security to approve their applications and paid thousands of dollars in travel, legal and medical fees to abide by entry, employment, health and processing laws and regulations.
- Sanctuary policies conflict with federal law. Recognizing the adoption of sanctuary policies is a growing impediment to combating the wave of some 12.5 million illegal aliens residing in the country, Congress adopted the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 that barred state and local governments from prohibiting employees from providing, receiving, or sharing information on illegal aliens with federal government immigration officials.
- Sanctuary policies deny U.S. Immigration and Customs Enforcement (ICE) critical assistance to enable it to accomplish its statutorily-mandated mission to identify and ultimately remove illegal aliens.

- Sanctuary policies undermine national security efforts and create an environment in which terrorists and individuals of national security concern can potentially go unnoticed and unimpeded.

Conversely, anti-sanctuary policies ensure that local officials are able to maintain a stream of communication with the federal government to best protect the interests of their people. State and local law enforcement agencies do not have to turn a blind eye to immigration violations that harm their communities simply because the regulation of immigration is a federal issue. To the contrary, Congress designed immigration law with assistance from state and local law enforcement in mind.

FAIR recognizes that the impetus behind the resolution before you came at least in part from the adoption of sanctuary policies by the City of Orlando and the Orlando Police Department, not far from Brevard County. We share your concerns about what that could lead to.

As you have noted in the past, Brevard County is not a sanctuary county, and this resolution stresses your commitment to ensuring it never becomes one. FAIR therefore supports it without reservation and recommends you adopt it.

Thank you for your time and consideration. Please do not hesitate to reach out if we may be of assistance in the future. I may be reached by email at srendall@fairus.org or by phone at 202-328-7004.

Sincerely,



Shari Rendall
State and Local Director