

RESOLUTION NO. 190184

A resolution of the City of Gainesville, Florida, reiterating the City Commission commitment to being a safe and inclusive Welcoming City; directing Charter Officers to notify the City Commission if a federal, state or local agency requests City staff to comply with an immigration detainer and/or engage in federal immigration enforcement; and consider initiating litigation in the event the City is asked to comply with an immigration detainer and/or engage in federal immigration enforcement; and providing an effective date.

WHEREAS, Gainesville is known as a city that welcomes newcomers from many parts of the world and recognizes their many contributions to the cultural, social, and economic life of the community and its broad hopes for general prosperity; and

WHEREAS, Gainesville residents share a commitment to repudiate racial and ethnic bigotry and discrimination whenever it has arisen; and

WHEREAS, in furtherance of this community commitment, the City Commission adopted Resolution No. 140739 on March 17, 2016, designating Gainesville as a Welcoming City and part of the Welcoming America Network; and

WHEREAS, the City of Gainesville provides municipal services to all persons, regardless of citizenship status, nationality, or racial/ethnic background; and

WHEREAS, the City's commitment is reflected in Gainesville Police Department General Order regarding Foreign Nationals which states explicitly that "All individuals, regardless of citizenship, are entitled to basic rights and privileges which are set forth in common law, state and federal law, and the Florida and United States Constitutions. In addition, foreign nationals (persons who are not US citizens) may be entitled to rights and privileges set forth in the Vienna Convention and other international laws. It is the policy of the department to provide service to all persons and to exercise its duties in conformance with all applicable laws, regardless of citizenship status, nationality, or racial/ethnic background." The General Order goes on to state that "officers have no statutory authority to enforce violations of federal immigration laws;" and

WHEREAS, in light of new state legislation - Senate Bill 168 (2019) that is now codified in Chapter 908, Florida Statutes, titled "Federal Immigration Enforcement" - the City Commission is concerned that, even though it has not occurred in the past, a federal or state agency may request the City to comply with an immigration detainer and/or engage in federal immigration enforcement; and

WHEREAS, the City Commission would like to be notified of any such request and consider initiating litigation in response to such request;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. That the City Commission reiterates its commitment, as a Welcoming City, to being an inclusive community, where everyone - including immigrants and refugees - feels safe from persecution, harassment and discrimination and understands that the City provides public safety services to all persons regardless of their citizenship status.

Section 2. That each Charter Officer is directed to notify the City Commission if a federal, state or local agency requests City staff, under the direction of that Charter Officer, to comply with an immigration detainer and/or engage in federal immigration enforcement. The Charter Officer shall give such notice to the City Commission in writing as soon as possible, within 24 hours of receipt of the request.

Section 3. That the City Commission consider initiating litigation in the event the City is asked to comply with an immigration detainer and/or engage in federal immigration enforcement.

Section 4. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 15th day of August, 2019.



Lauren Poe, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



Omichele D. Gainey
Clerk of the Commission



Nicolle M. Shalley, City Attorney