RESOLUTION NO. 2020-R-126

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, CONDEMNING DISCRIMINATION AND SUPPORTING THE ENACTMENT OF POLICIES WHICH PROTECT THE RIGHTS OF IMMIGRANTS DETAINED IN STATE, LOCAL AND FEDERAL DETENTION FACILITIES; PROVIDING FOR TRANSMITTAL, AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, the City of North Miami’s community has a population which is richly diverse; and

WHEREAS, the effective provision of governmental services within such a diverse community requires that all persons be treated with equal rights, dignity and respect; and

WHEREAS, it is the policy of the City of North Miami, binding on all officials and employees, to offer equal treatment to all persons regardless of race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, marital status, age, disability, status as a veteran, or ability to speak English; and

WHEREAS, the City of North Miami fully supports our country’s rich heritage of welcoming immigrants and persons from around the world who came to America seeking a better life in pursuit of the American Dream and recognizes that public trust and confidence in local government and law enforcement policies are essential to a fair and effective government; and

WHEREAS, the City of North Miami is committed to supporting its diverse community and condemns systemic racial profiling, targeting, and discrimination in all forms; and

WHEREAS, the City of North Miami prides itself on the positive relationship that it has maintained with the City’s resident population, including its immigrant communities, and maintenance of positive relationships are key to keeping our neighborhoods safe is important in keeping our community safe so that all residents feel safe and secure in cooperating with North Miami police officers to report crimes and offer assistance in resolving criminal activity; and

WHEREAS, the City is committed to upholding the constitutional rights of every person to due process; and
WHEREAS, the Legislature of the State of Florida has created Chapter 908, Florida Statutes, requiring among other things that a law enforcement agency use “best efforts to support the enforcement of federal immigration law” but has not specified the activities that local entities must undertake; and

WHEREAS, the City of North Miami City Council is responsible for providing for the health, safety, and wellbeing of all its residents; and

WHEREAS, the Mayor and City Council acknowledge that those in detention and correctional facilities, and newly detained individuals may contribute to the spread of contagious diseases, including COVID-19, if the newly detained individual is already infected, the disease may spread in these facilities and the community through contact with law enforcement and facility staff, or if the newly detained individual is exposed to COVID-19 during detention, the disease may spread to the community through contact with facility staff and law enforcement; and

WHEREAS, the City of North Miami does not manage its own detention facilities, and directly transports arrestees to Miami-Dade County (“MDC”) for processing; and

WHEREAS, as a user of MDC’s detention facilities, the City urges MDC to ensure that individuals who have been issued an immigration detainer request will not be detained by MDC staff beyond what is required by federal and State law, including Chapter 908, Florida Statutes in light of the fact that MDC has received erroneous immigration detainer requests from federal immigration agencies in the past; and

WHEREAS, in order to protect U.S. citizens and lawful present individuals, City staff shall promptly inform City administration if they become aware of City policies or procedures which negatively impact individuals subject to an immigration detainer request and who are lawfully present in the United States; and

WHEREAS, the City encourages its State, Local, and Federal partners to adopt policies which would ensure that the rights of immigrants housed in their facilities are protected; and

WHEREAS, the City of North Miami is committed to transparency and will maintain accurate public records on City policies impacting immigration within the City; and

WHEREAS, under Article VIII of the Constitution of the State of Florida municipalities “may exercise powers for municipal purposes except as otherwise provided by law” and the City
of North Miami retains authority to make decisions regarding the use of city resources that reflect the needs of the people of the City; and

WHEREAS, the Mayor and City Council are in support of policies which protect the rights of all immigrants, including those subjected to immigration detainers and detained, and hereby urge Miami-Dade County, the State of Florida and the Federal Government to enact policies to protect the health safety and welfare of immigrants which are being detained in their facilities.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Discrimination. The Mayor and City Council of the City of North Miami, Florida, hereby condemn discrimination and requires its employees to comply with local, state and federal laws prohibiting discrimination based on race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, marital status, age, disability, status as a veteran, or ability to speak English. Additionally, it is the policy of the City of North Miami that its employees will not engage in discrimination based on a person's citizenship or immigration status or their ability to speak English.

Section 2. Policy Recommendation. The Mayor and City Council of the City of North Miami, Florida, continue to support the rights of immigrants and hereby urge Miami-Dade County, the State of Florida and the Federal Government to enact policies which would protect the rights of all immigrants.

Section 3. Compliance with State Law. Nothing in this Ordinance shall be construed as prohibiting or impeding a law enforcement agency from taking any action required by Chapter 908, Florida Statutes.

Section 4. Transmittal. The City Clerk is directed to transmit a certified copy of this resolution to the Miami-Dade Director of Corrections, the Secretary of the State of Florida Department of Corrections, and the Director of the Federal Bureau of Prisons.

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 24th day of November, 2020.
ATTEST:

VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JEREMIAH H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: MAYOR PHILIPPE BIEN-AIME

Moved by: __________
Seconded by: __________

Vote:

Mayor Philippe Bien-Aime
Vice Mayor Alix Desulme, Ed.D.
Councilman Scott Galvin
Councilwoman Carol Keys, Esq.
Councilwoman Mary Estimé-Irvin

X (Yes) ______ (No)