File #: 45903, **Version:** 4

Fiscal Note
No appropriation required.

Title
AMENDED SUBSTITUTE - Resolution Condemning Recent Executive Orders, Reaffirming the City of Madison as an Open and Welcoming City, and Confirming the City's Policies on Federal Immigration Laws.

Body
WHEREAS, the City of Madison recognizes its diversity as one of its greatest strengths and appreciates the culture and history of our various communities of people, including immigrant communities, all of whom add to the greatness of our City; and,

WHEREAS, the City of Madison has a proud history of supporting policies that prohibit discrimination based on race, ethnicity, national origin, religion, sexual orientation, and disability; and,

WHEREAS, the City of Madison opposes immigration-related laws, practices and policies by any jurisdiction that risk racial and ethnic profiling; and

WHEREAS, utilizing local law enforcement to enforce federal immigration laws has been resisted by many police agencies because, instead of making the communities safer, these efforts have had the effect of alienating the immigrant communities and reducing cooperation with the police, creating fear, discouraging the reporting of crime, and victimizing victims; and

WHEREAS, the City of Madison is not an agent of the federal government and established law provides that the federal government cannot commandeer or compel local officials to enforce federal law; and

WHEREAS, the City of Madison is dedicated to providing all of its residents fair and equal access to services, opportunities and protection; and

WHEREAS, the Common Council of the City of Madison finds that the cooperation of all persons is essential to achieve the City's goals of protecting life and property, preventing crime and resolving problems; and

WHEREAS, the Common Council of the City of Madison finds that assistance from a person, who is a victim, or a witness to, a crime is important to promoting the safety of all residents; and

WHEREAS, the cooperation of the City's immigrant communities is essential to prevent and solve crimes and maintain public order, safety and security throughout the City; and

WHEREAS, the Common Council of the City of Madison believe that all residents deserve to feel safe, secure and protected within the City; and

WHEREAS, this resolution will be interpreted to be consistent with federal and state laws, including laws regarding communications between local jurisdictions and federal immigration authorities, including but not limited to 8 U.S.C. § 1373.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison expresses its

appreciation to all people from around the world who have made Madison their home and in doing so have contributed to making Madison a vibrant community; and,

BE IT FURTHER RESOLVED, the Common Council City of Madison condemns the Executive Order issued on January 25, 2017 entitled “Enhancing Public Safety in the Interior of the United States”, as the Order is contrary to the values of openness and inclusion of the City of Madison; and

BE IT FURTHER RESOLVED, the Common Council City of Madison condemns the Executive Order issued on January 25, 2017 entitled “Border Security and Immigration Enforcement Improvements”, as the Order is contrary to the values of openness and inclusion of the City of Madison; and

BE IT FURTHER RESOLVED, the Common Council City of Madison condemns the Executive Order issued on January 27, 2017 entitled “Protecting the Nation from Foreign Terrorist Entry into the United States”, as the Order is contrary to the values of openness and inclusion of the City of Madison; and

BE IT FURTHER RESOLVED, that the City of Madison Common Council Office is designated as a safe place where all residents may readily obtain phone interpreter services and immigrant rights information; and

BE IT FURTHER RESOLVED, that Madison Public Libraries are hereby designated as safe places where all residents may readily obtain phone interpreter services and immigrant rights information.

BE IT FURTHER RESOLVED, except as provided in this resolution or when otherwise required by law, that no City of Madison department, agency, commission, officer or employee of the City of Madison shall use any City funds or resources to enforce Federal immigration laws; and,

BE IT FURTHER RESOLVED, except as provided in this resolution or when otherwise required by law, any City of Madison office, department, employee, agency or agent shall not condition the provision of City services on the citizenship or immigration status of any individual; and,

BE IT FURTHER RESOLVED, except as provided in this resolution or when otherwise required by law, no department or employee shall collect information regarding the citizenship or immigration status of any person unless required to do so by law, and only when authorized by the Office of the City Attorney; and

BE IT FURTHER RESOLVED, that if any City of Madison Department or employee is contacted by Immigration and Customs Enforcement (ICE) for any information, said employee is to direct all communication between the City of Madison and ICE to the Office of the City Attorney; and,

BE IT FURTHER RESOLVED, that the Common Council of the City of Madison affirms the Madison Police Department’s Code of Conduct and Standard Operating Procedure regarding the enforcement of immigration laws and the commitment of the Department to not self-initiate, contact, detain, arrest or investigate any person solely for a suspected violation of immigration status laws; and,

BE IT FURTHER RESOLVED, that the Common Council of the City of Madison affirms the Madison Police Department’s Code of Conduct and Standard Operating Procedure not to enter into Section 287(g) Immigration and Nationality Act (INA) agreement with ICE; and,

BE IT FINALLY RESOLVED, that the City of Madison Clerk’s Office will send copies of this resolution to all City of Madison Departments and all the members of the Wisconsin Congressional Delegation.

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