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A resolution by Supervisors Dimitrijevic and West, authorizing and directing the Office of Corporation Counsel, in coordination with outside counsel if deemed necessary, to pursue legal action to avoid the loss of Federal funding under Title 8 United States Code Section 1373, and authorizing an amount not-to-exceed \$50,000 from Org. Unit 1940-1961 Litigation Reserve to effectuate this request, by recommending adoption of the following:

AN AMENDED RESOLUTION

WHEREAS, Title 8 United States Code (U.S.C) 1373 is a Federal law that prevents Federal, State, and local government entities, and officials from prohibiting or restricting communication between government officials or entities, and Federal immigration officers regarding information concerning an individual's citizenship or immigration status; and

WHEREAS, the Office of Justice Programs (OJP) has determined that Title 8 U.S.C. Section 1373 is an applicable law under the Edward Byrne Memorial Justice Assistance Grant (JAG) authorizing legislation and therefore, Milwaukee County (the County) must comply with Title 8 U.S.C. Section 1373 to continue receiving grant funds; and

WHEREAS, in February 2016, Congress requested that the United States (U.S.) Attorney General's office investigate whether department grant recipients were complying with Federal law, particularly Title 8 U.S.C. Section 1373; and

WHEREAS, in May 2016, a memorandum from the Inspector General, U.S. Department of Justice (DOJ) expressed that the County was one of several locales selected for further review of its policies related to Title 8 U.S.C. Section 1373; and

WHEREAS, on November 22, 2016, the Chairman of the Milwaukee County Board of Supervisors received an e-mail communication from the U.S. DOJ regarding future State Criminal Alien Assistance Program (SCAAP) payments as well as JAG awards; and

WHEREAS, on April 21, 2017, the County Executive received a letter from the OJP alerting the County of the upcoming deadline for validating compliance with Title 8 U.S.C. Section 1373 and that failure to do so may result in "withholding of grant funds, suspension or termination of the grant, ineligibility for future OJP grants or subgrants, or other action, as appropriate"; and

WHEREAS, additionally, the President of the U.S. has threatened to withhold all Federal funding to 'sanctuary jurisdictions' in Executive Order 13768, "Enhancing Public Safety in the Interior of the U.S."; and

47 WHEREAS, the Executive Order led several jurisdictions to file for injunctive
48 relief, which will preserve the status quo, i.e., the grant funding, pending the outcome of
49 litigation; and

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51 WHEREAS, the County is at risk of losing a substantial amount of grant funding,
52 with the OJP listing the County as having \$7,539,572 in active awards as of March 17,
53 2016, including 2015 SCAAP payments; and

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55 WHEREAS, the possible loss of grant funding is alarming and requires proactive
56 action to ensure County services are not interrupted; and

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58 WHEREAS, the Committee on Judiciary, Safety, and General Services, at its
59 meeting of July 13, 2017, provided no recommendation on File No. 17-465 due to a tie
60 vote on a motion to recommend adoption (vote 2-2); now, therefore,

61
62 BE IT RESOLVED, the Milwaukee County Board of Supervisors (County Board)
63 authorizes ~~and directs~~ the Office of Corporation Counsel (OCC) to pursue legal action
64 to avoid the loss of Federal funding under Title 8 United States Code (U.S.C.) Section
65 1373, if the OCC deems such action necessary and loss of funding appears imminent;
66 and

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68 BE IT FURTHER RESOLVED, the OCC is authorized ~~and directed~~ to seek the
69 assistance of outside counsel if necessary; and

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71 BE IT FURTHER RESOLVED, the County Board authorizes an amount not-to-
72 exceed \$50,000 in funds from Org. Unit 1940-1961 Litigation Reserve to effectuate this
73 request.

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76 jmj
77 07/27/17