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A resolution by Supervisor Dimitrijevic, resolution 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:

A RESOLUTION

WHEREAS, Title 8 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 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 8 U.S.C. Section 1373 to continue receiving grant funds; and

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

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

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

47 WHEREAS, the County is at risk of losing a substantial amount of grant funding,
48 with the OJP listing the County as having \$7,539,572 in active awards as of March 17,
49 2016, including 2015 SCAAP payments; and

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

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54 WHEREAS, the Committee on Judiciary, Safety, and General Services, at its
55 meeting of July 13, 2017, provided no recommendation on File No. 17-465 due to a tie
56 vote; now, therefore,

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58 BE IT RESOLVED, the Milwaukee County Board of Supervisors (County Board)
59 authorizes and directs Corporation Counsel, Office of Corporation Counsel (OCC), to
60 pursue legal action to avoid the loss of Federal funding under 8 U.S.C. 1373; and

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62 BE IT FURTHER RESOLVED, Corporation Counsel, OCC, is authorized and
63 directed to seek the assistance of outside counsel if necessary; and

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