DECLARING BERNALILLO COUNTY AS AN IMMIGRANT-FRIENDLY COUNTY, AND TO SAFEGUARD THE CIVIL RIGHTS, SAFETY AND DIGNITY OF ALL OUR RESIDENTS, WHETHER THEY BE IMMIGRANTS, WAR REFUGEES, PEOPLE OF COLOR, MUSLIMS, JEWS, LGBTQ PEOPLE, OR PEOPLE WITH DISABILITIES. ESTABLISHING BERNALILLO COUNTY POLICIES REGARDING IMMIGRANTS AND THEIR FAMILIES, REGARDLESS OF IMMIGRATION STATUS.

WHEREAS, since the election of new National leadership there has been a sense of uncertainty and fear among many communities in Bernalillo County, across our State, and across the Nation; and

WHEREAS, recent Presidential Executive Orders relating to immigration enforcement have done nothing to allay those fears, and in fact contain directives that threaten to lead to family separation, endanger refugees fleeing violence and persecution, strip immigrants of their due process, and discriminate against the Muslim community; and

WHEREAS, the Tenth Amendment of the Constitution of the United States recognizes the sovereign status of the states and their political subdivisions and precludes the federal government from attempting to compel state and local governments, either directly or by their use of threats to withhold federal funding, to assist the federal government in enforcing federal laws, including immigration laws; and

WHEREAS, Bernalillo County should not adopt policies that may violate its residents’ constitutional rights under the Fourth Amendment such as “immigration detainers”, and that exceed the government’s limited warrantless arrest authority under federal law, exposing the County to civil rights violations;
WHEREAS, the County Commission wishes to assure its vulnerable communities that
the County supports them, will do all it can to maintain and improve their quality of life, and
does not tolerate acts of hate, discrimination, bullying or harassment; and

WHEREAS, the County Commission wishes to declare that Bernalillo County is a safe
place for immigrants from all countries, as well as for war refugees, people of color,
Muslims, Jews, LGBTQ people, and people with disabilities;

WHEREAS, thousands of immigrants and their families have lived and worked in the
Bernalillo County area for many years; and

WHEREAS, immigrants from throughout the world contribute to Bernalillo County’s
cultural richness and economic prosperity, through their labor and initiative, payment of
taxes, and other economic and cultural activities; and

WHEREAS, the County Commission believes in the human dignity of all Bernalillo
County residents, regardless of immigration status, and recognizes the importance of
immigrants’ many contributions to the social, cultural, intellectual, and economic fabric of
the County; and

WHEREAS, Bernalillo County is made up of diverse individuals, both native born and
immigrants, whose collective cultures, religions, backgrounds, orientations, abilities, and
viewpoints join to form a highly pluralistic community which prides itself on being a place
which welcomes persons and families of all walks of life; and

WHEREAS, young people in Bernalillo County enrolled in the Deferred Action for
Childhood Arrivals (DACA) program deserve an opportunity to have a bright future and to
contribute their time and talent to make Bernalillo County a county of innovation and
growth; and
WHEREAS, the County Commission believes the County to be a safe and welcoming place for all students and their families, regardless of origin or immigration status and supports the Albuquerque Public Schools policy to create a safe haven for all students regardless of their immigration status; and

WHEREAS, Bernalillo County has a strong tradition and mission of embracing and valuing diversity and the County Commission believes that it is similarly important to support diversity and to provide services to all persons in the County regardless of their race, disability, national origin, gender identity, religion, sex, sexual orientation, ethnicity, economic or immigration status (in addition to any other protected classes under local, state or federal law); and

WHEREAS, the County Commission is greatly concerned about public safety in Bernalillo County and the mission of the Bernalillo County Sheriff’s Department is to protects the safety of the public against crimes committed by persons whoever they may be; and

WHEREAS, most residents in the County, including the vast majority of immigrants, are law-abiding citizens and are, when crimes occur, themselves the victims of crime, and because of this the County wishes to foster trust and cooperation between the County, its Sheriff’s Department, and its immigrant communities to encourage immigrants to report crime and speak to the Sheriff’s deputies and employees without fear of being arrested or reported to the United States Immigration and Customs Enforcement agency; and

WHEREAS, Bernalillo County’s Sheriffs’ Department standard operating procedures are consistent with this resolution and recognizes that “enforcement of immigration laws and arrest of undocumented foreign nationals resides exclusively with the federal government”,
and that “officers shall not stop, question, detain, or arrest any person solely on the ground
that they may be undocumented”, and “shall not inquire about or seek proof of a person’s
immigration status” unless it is pertinent to the investigation of an underlying non-
immigration criminal violation; and

WHEREAS, the County Commission firmly believes that the involvement of local
government in enforcement of federal civil immigration laws undermines a productive and
trusting relationship with the immigrant community and hinders local law enforcement and
community safety; and

NOW, THEREFORE, be it resolved by the Board of County Commissioners, the
governing body of the County of Bernalillo, that

SECTION 1: The Commission declares Bernalillo County to be an “Immigrant-Friendly
County”. The Commission welcomes and encourages immigrants to live, work, and study in
Bernalillo County and to participate in community affairs, and recognizes immigrants for
their important contributions to our culture and economy.

SECTION 2: The Commission establishes the following policies for Bernalillo County:
A. To the fullest extent allowed by federal and state law, immigrants and their families,
   who live within the county limits of Bernalillo shall have access to all Bernalillo
   County.
B. The County encourages all public agencies to facilitate the access of immigrants and
   their families to basic services, including but not limited to legal driver’s licenses,
   health care, police protection, and education, including Central New Mexico (CNM)
   and the University of New Mexico, to the fullest extent to allowable by law.
C. The County will include in its legislative agendas requests that Congress enact just
   and humane immigration reforms that provide immigrants and their families with
   rights in this country that are commensurate with human dignity and their status as
   taxpayers and contributing members of our community, and the State of New Mexico
   Legislature revise its laws and policies for health care, education, and driver’s
   licenses to such that immigrants and their families will have fair access to those
   services and privileges.
D. The County shall not discriminate on the basis of a person’s national origin and will
   treat all persons with respect and dignity, regardless of immigration status.
E. No county monies, resources, or personnel shall be used to enforce federal civil
   immigration laws or to investigate, question, detect, or apprehend persons on the
   basis of immigration status unless otherwise required by law to do so.
SECTION 3: The County Commission supports the equal treatment of all persons and states that all persons who live within the County shall have full access to all county services with respect and dignity, including public safety services and programs, regardless of their race, disability, national origin, gender identity, religion, sex, sexual orientation, ethnicity, economic or immigration status (in addition to any other protected classes under local, state or federal law).

SECTION 4: That Bernalillo County staff is directed to review current County policies and practices to ensure they are in accordance with this Resolution and propose to the Commission means to address any non-compliance. As part of their analysis, County staff may identify and recommend policies or proposals that would serve to supplement and enhance the County’s immigrant friendly status.

DONE this 14th day of March, 2017.

BOARD OF COUNTY COMMISSIONERS

Debbie O’Malley, Chair

Steven Michael Quezada, Vice Chair

Maggie Hart Stebbins, Member

Londe C. Talbert, Member

Wayne A. Johnson, Member

APPROVED AS TO FORM:

W. Ken Martinez, County Attorney

ATTEST:

Linda Stover
County Clerk