

4A-2

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: November 3, 2015

() Consent

(X) Regular

() Ordinance

() Public Hearing

Department

Submitted By: Legislative Affairs

Submitted For: Administration

I. EXECUTIVE BRIEF

Motion and Title: Staff requests Board direction: on a Resolution of the Board of County Commissioners of Palm Beach County, Florida, supporting President Barack Obama's executive action on immigration reform expanding the Deferred Action for Childhood Arrivals (DACA) and Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) programs; and requesting that Florida Attorney General Pam Bondi withdraw the State of Florida from *Texas v. United States* (United States Court of Appeals for the Fifth Circuit).

Summary: The Board has requested that a resolution supporting President Obama's executive action expanding DACA and DAPA and urging that Florida's Attorney General Pam Bondi withdraw the state from *Texas v. United States* be drafted and brought back for discussion. Miami-Dade County has passed a similar resolution, as has the City of Kissimmee. Twenty-six states, including Florida, have signed onto a lawsuit – *Texas v. United States* – seeking to block the President's executive actions. At least 76 cities and counties throughout the country, such as Atlanta, Baltimore, Boston, Chicago, New York, Philadelphia, and the counties of Dallas and Los Angeles, have signed onto an amicus brief opposing the lawsuit and supporting the President's executive action. In Florida, Tampa and North Miami have joined the brief. Countywide (DW)

Background and Policy Issues: Continued on Page 3

Attachments:

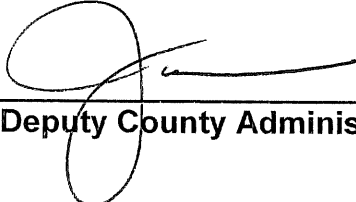
- 1) Resolution

Recommended by:

Department Director

Date

Approved by:



Deputy County Administrator

10-21-15

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	* 0	_____	_____	_____	_____

ADDITIONAL FTE
POSITIONS (Cumulative)

Is Item Included in Current Budget? Yes _____ No _____

Budget Account No.: Fund _____ Agency _____ Org _____ Object _____ Program Code _____

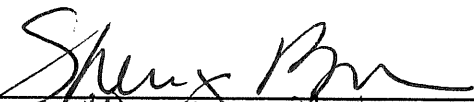
B. Recommended Sources of Funds/Summary of Fiscal Impact


* There is no fiscal impact associated with this item.

C. Department Fiscal Review:


III. REVIEW COMMENTS

A. OFMB Fiscal and /or Contract Administrator Comments:


OFMB #10 MD #10/21 total #10/21


Contract Administrator 10/23/15

B. Legal Sufficiency:


Assistant County Attorney 10/28/15

C. Other Department Review:

Department Director

Background and Policy Issues (Continued from Page 1): On November 20, 2014, President Barack Obama announced an executive action on immigration reform policy. According to the U.S. Citizenship and Immigration Service, the action would accomplish two goals: expand DACA and create DAPA. DACA currently allows those who arrived undocumented as children and who meet certain criteria to request “deferred action,” meaning that their deportation could be deferred for two years. The President’s executive order would lengthen this to three years and would allow immigrants of any age to qualify, as long as they entered the country before the age of 16 and have lived in the U.S. continuously since January 1, 2010. DAPA would be created to allow parents of U.S. citizens or lawful permanent residents to request deferred action and employment authorization for three years, as long as they have lived in the country continuously since January 1, 2010 and can pass background checks. The Department of Homeland Security (DHS) estimates that approximately 5 million undocumented immigrants would be eligible for the programs under the executive action. DHS also notes that deferred action would not provide an immigrant with a path to citizenship or permanent resident status.

It is in dispute whether President Obama has the constitutional authority to change these policies through executive action, however. A November 20, 2014 memo from DHS Secretary Jeh Johnson outlines the administration’s argument that the executive action is justified through the use of prosecutorial discretion when enforcing immigration law. *The New York Times* quoted a leading opponent of the President’s actions, Texas Governor Greg Abbott, who argued that the executive action was an attempt to bypass laws already passed by Congress. In December 2014, Florida joined with Texas and twenty-four other states to file a lawsuit in the Southern District Court of Texas with the goal of blocking the implementation of the executive action, arguing that the added costs of legalizing the immigrants – in healthcare, education, and the issuance of driver’s licenses, for example -- are harmful to the states.

In February 2015, U.S. District Judge Andrew Hanen ruled in *Texas v. United States*. Deciding in the states’ favor, he found that the administration’s expanded policies would impose a financial burden on them, and also determined that the administration had not properly followed the required public notice and comment procedures for revising federal regulations. As *The Washington Post* reported, with the administration’s proposed policies now blocked by Judge Hanen’s temporary injunction, the decision was appealed to the 5th Circuit Court of Appeals. The final arguments there were heard in July, but the Court has yet to rule.

Resolution No. 2015 - _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SUPPORTING PRESIDENT BARACK OBAMA'S EXECUTIVE ACTION ON IMMIGRATION REFORM EXPANDING THE DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) AND DEFERRED ACTION FOR PARENTS OF AMERICANS AND LAWFUL PERMANENT RESIDENTS (DAPA) PROGRAMS; AND REQUESTING THAT FLORIDA ATTORNEY GENERAL PAM BONDI WITHDRAW THE STATE OF FLORIDA FROM *TEXAS V. UNITED STATES*

WHEREAS, many of Florida's prosperous industries, including its agricultural, tourism, and construction industries, greatly benefit from and heavily depend on entrepreneurial work and labor of immigrants; and

WHEREAS, Palm Beach County exemplifies the value of diversity, as demonstrated by the social, cultural, and economic contributions of our immigrant community; and

WHEREAS, on November 20, 2014, President Barack Obama announced a series of executive actions on immigration, which included an expansion of Deferred Action for Childhood Arrivals (DACA) and an implementation of Deferred Action for Parents of Americans and Lawful Residents (DAPA); and

WHEREAS, expanded DACA would allow undocumented people of any age who entered the United States before the age of 16 and have lived in the United States continuously since January 1, 2010 to obtain a work permit and remain in the United States for three years; and

WHEREAS, DAPA would allow parents of United States citizens and lawful permanent residents who have lived in the United States continuously since January 1, 2010 and who pass required background checks to obtain a work permit and remain in the United States for three years; and

WHEREAS, an estimated five million people in the United States will directly benefit from DAPA and expanded DACA, according to the United States Department of Homeland Security; and

WHEREAS, approximately 250,000 undocumented Floridians are eligible for DAPA and expanded DACA, according to the Immigration Policy Center; and

WHEREAS, if these eligible immigrants receive work permits and driver's licenses, it would expand their earning potential and lead to over \$102 million in increased tax revenues in Florida over a five-year period, according to the Center for American Progress; and

WHEREAS, this increase in tax revenue, as well as the savings from avoiding costly detention and deportations, will significantly strengthen our state and local economies; and

WHEREAS, DAPA and expanded DACA would also decrease the rising number of displaced families due to deportation; and

WHEREAS, in the case of *Texas v. United States*, 26 states, including the State of Florida, are seeking to enjoin the implementation of DAPA; and

WHEREAS, on February 16, 2015, a federal judge temporarily enjoined the implementation of DAPA and expansion of DACA; and

WHEREAS, on March 12, 2015 the United States filed an emergency stay of the temporary injunction, pending its appeal of the case; and

WHEREAS, the United States' emergency stay was denied, allowing the temporary injunction to remain; and

WHEREAS, this Board urges Florida Attorney General Pam Bondi to withdraw the State of Florida from *Texas v. United States*, and expresses its support for President Obama's executive action on immigration through DAPA and expanded DACA, as it would be extremely beneficial to Florida's families and economy,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that this Board:

Section 1. Supports President Barack Obama's executive action on immigration to expand Deferred Action for Childhood Arrivals and implement Deferred Action for Parents of Americans and Lawful Permanent Residents.

Section 2. Urges Florida Attorney General Pam Bondi to withdraw the State of Florida from *Texas v. United States*.

Section 3. Directs County Staff to transmit a certified copy of this resolution to President Barack Obama, the Palm Beach County Congressional Delegation, United States Attorney General Loretta Lynch, and Florida Attorney General Pam Bondi.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Shelley Vana, Mayor	-	___
Mary Lou Berger, Vice Mayor	-	___
Commissioner Hal R. Valeche	-	___
Commissioner Paulette Burdick	-	___
Commissioner Steven L. Abrams	-	___
Commissioner Melissa McKinlay	-	___
Commissioner Priscilla A. Taylor	-	___

The Mayor thereupon declared the Resolution duly passed and adopted this ____ day of _____, 2015.

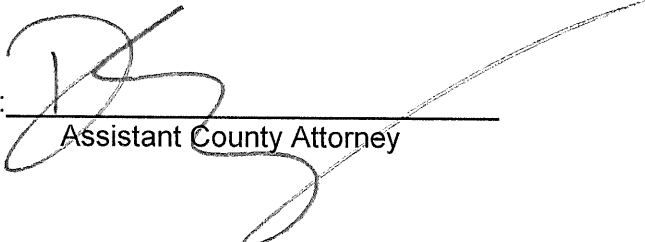
ATTEST:
CLERK & COMPTROLLER
Sharon R. Bock, Clerk and Comptroller

Palm Beach County, Florida by its
Board of County Commissioners

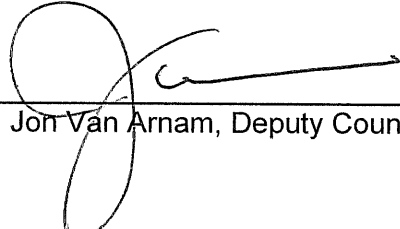
By: _____
Deputy Clerk

By: _____
Shelley Vana, Mayor

Approved as to Form and Legal
Sufficiency:

By: 
Assistant County Attorney

Approved as to Content:

By: 
Jon Van Arnam, Deputy County Administrator