

RESOLUTION NO. 25-161

**A RESOLUTION OF THE CITY COMMISSION
~~REQUESTING THE CHIEF OF POLICE AND CITY
MANAGER TO TERMINATE FINDING THE 287(G)~~
VOLUNTARY MEMORANDUM OF AGREEMENT WITH UNITED
STATES IMMIGRATION AND CUSTOMS ENFORCEMENT
SIGNED MARCH 4, 2025 VOID AND UNENFORCEABLE;
REQUESTING THE CITY MANAGER AND CHIEF OF
POLICE REFRAIN FROM ENTERING INTO ANY NEW
AGREEMENTS UNDER FLORIDA STATUTE 908 UNTIL
THE COURTS HAVE RULED ON THE OBLIGATIONS
IMPOSED ON LOCAL GOVERNMENTS; AFFIRMING THE
REQUIREMENTS UNDER STATE AND FEDERAL LAW THAT
KEY WEST POLICE DEPARTMENT ASSIST FEDERAL
IMMIGRATION ENFORCEMENT ACTIVITIES WHERE
REQUESTED; AFFIRMING THAT THE CITY OF KEY
WEST IS NOT A SANCTUARY CITY; PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, the overwhelming community response to the discovery of the Key West Police Department's (KWPD) entry into a 287(g) Memorandum of Agreement (MoA) has been one of disapproval; and

WHEREAS, the community has expressed concerns both for the security of legal immigrants within our community, and for the potential financial liabilities laid out in the 287(g) MoA; and

WHEREAS, the public perception that the KWPD is assisting in this ongoing immigration enforcement beyond the scope of their normal duties erodes public trust in the KWPD and damages the KWPD's mission of law enforcement and public safety within the

City of Key West; and

WHEREAS, this erosion of public trust calls into question the City of Key West's commitment to Resolution 17-150 affirming equal access to services to all; and

WHEREAS, the Chief of Police's reasons for signing a 287(g) MoA on behalf of the KWPD with United States Immigration and Customs Enforcement (ICE) as stated in his responses to the questions asked in the published 'Community Statement Against the Recent Immigration Enforcement Activity in Key West were based on the belief that Governor DeSantis considers such agreements to be mandatory; and

WHEREAS, Governor DeSantis' position appears to be based upon F.S. 908.102(6) Definition of "Sanctuary policy"; and

WHEREAS, neither the plain text of F.S. 908 nor standing judicial rulings require "Participating in any program or agreement authorized under section 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357"; and

WHEREAS, The City of South Miami has filed a Complaint for Declaratory Relief in the Circuit Court for the Second Judicial Circuit in and for Leon County, Florida (Case No. 2025 CA 000505) requesting The Court to declare, in part, that Cities are not required to enter into "287(g) agreements" with United States Immigration and Customs Enforcement (ICE); and

WHEREAS, the Chief of Police has stated "The Key West Police Department are conducting our regular law enforcement functions. The Key West Police Department is not conducting any Immigration and Customs Enforcement raids" and as such is currently not operating under the authority granted or required by the 287(g) MoA; and

WHEREAS, it is the policy of KWPD to "provide assistance to our County, State, or Federal partners" when requested regardless of a 287(g) MoA; and

WHEREAS, the City Commission under F.S. 908.102(6)(d) cannot prohibit KWPD from participating in any program or agreement authorized under section 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357; and

WHEREAS, it is not the law, policy, practice, procedure, or custom of the City of Key West to declare or have in place any Sanctuary Policy which would prevent the KWPD from offering that assistance when requested;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: ~~That the City Commission requests the Chief of Police to terminate the 287(g) Memorandum of Agreement signed March 4, 2025. The Chief of Police did not have authority to execute the 287(g) agreement, and the City Commission considers the 287(g) agreement signed by the Chief of Police of the City of Key West, Sean Brandenburg on March 4, 2025, void and unenforceable. The City Manager is hereby directed to immediately suspend all activities, training and operations associated with the 287(g) agreement and cease the allocation of city resources. The City Manager, upon consent of the City Attorney, shall provide notice to ICE and any other relevant entities, that the City is suspending all involvement in the 287(g) related activities due to the current agreement being unenforceable and without legal effect.~~

Section 2: That the City Commission requests the ~~Chief of Police~~ City Manager refrain from entering into any new agreements under F.S. 908 until the Courts have ruled on obligations imposed by F.S. 908 on local government entities and any new agreement be brought to the City Commission for approval.

Section 3: That the City Commission acknowledges the efforts of the City of South Miami to seek clarification from the courts as to the duties imposed on local government entities under F.S. 908 and thanks them for the investment of time and public resources on this matter.

Section 4: That the City Commission affirms the obligation of KRPD to assist ICE and other federal and state law enforcement agencies when requested.

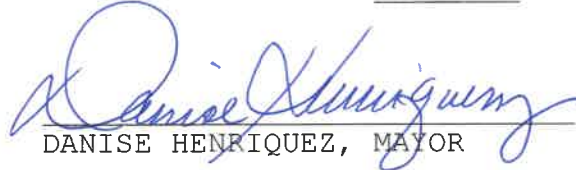
Section 5: That the City Commission affirms that the City of Key West has no law, policy, practice, procedure, or custom adopted or allowed by a state entity or local governmental entity which prohibits or impedes a law enforcement agency from complying with 8 U.S.C. s. 1373 or which prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency.

Passed and adopted by the City Commission at a meeting held this 30th day of June, 2025.

Authenticated by the Presiding Officer and Clerk of the Commission on 1st day of July, 2025.

Filed with the Clerk on July 1, 2025.

Mayor Danise Henriquez	<u>Yes</u>
Vice Mayor Lissette Carey	<u>No</u>
Commissioner Aaron Castillo	<u>Yes</u>
Commissioner Monica Haskell	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Sam Kaufman	<u>Yes</u>
Commissioner Donald "Donie" Lee	<u>Yes</u>


DANISE HENRIQUEZ, MAYOR

ATTEST:


KERI O'BRIEN, CITY CLERK