

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 31

DATE: August 15, 2006

STAFF: Mark Radtke

SUBJECT

Resolution 2006-085 Concerning Senate Bill 06-090 Regarding Cooperation with Federal Officials on Immigration Matters.

RECOMMENDATION

Staff recommends adoption of the Resolution.

EXECUTIVE SUMMARY

This past legislative session, the General Assembly enacted SB 06-090, creating Article 29 of the Colorado Revised Statutes pertaining to immigration status and local government cooperation with federal officials. The new law requires that Council provide written notice to peace officers of the duty to cooperate with federal and state officials regarding immigration enforcement and provide confirmation to the General Assembly that Council has done so. Further, the law requires the local governing body to provide an annual report to the General Assembly regarding the number of persons referred to the federal Immigration and Customs Enforcement Office pursuant to the new law. The penalty for non-compliance with the statutory requirements is that the City would be ineligible for grants administered by the Department of Local Affairs.

RESOLUTION 2006-085
OF THE COUNCIL OF THE CITY OF FORT COLLINS
CONCERNING SENATE BILL 06-090 REGARDING COOPERATION WITH
FEDERAL OFFICIALS ON IMMIGRATION MATTERS

WHEREAS, the General Assembly has enacted SB 06-090 (the "Act") creating Article 29 of the Colorado Revised Statutes pertaining to immigration status and local cooperation with federal officials; and

WHEREAS, the Act requires local governing bodies to provide written notice to peace officers of the duty to cooperate with federal and state officials regarding immigration enforcement and also provide confirmation to the General Assembly that the local governing body has provided said notice; and

WHEREAS, the Act further requires an annual report to the General Assembly regarding the number of persons referred to the federal Immigration and Customs Enforcement Office ("ICE") pursuant to the new law; and

WHEREAS, a violation of the above requirements will result in the City becoming ineligible for grants administered by the Department of Local Affairs.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Fort Collins Police Services peace officers are to cooperate with state and federal officials with regard to the enforcement of state and federal laws governing immigration.

Section 2. That Fort Collins Police Services peace officers who have probable cause to believe that an arrestee for a criminal offense is not legally present in the United States are to report such arrestee to ICE if the arrestee is not held at a detention facility.

Section 3. That a copy of this resolution shall be disseminated to Fort Collins Police Services peace officers as written notice pursuant to C.R.S. §29-29-10(3)(2)(b) of the duty to cooperate as required by C.R.S. §29-29-103 (2)(a)(I).

Section 4. That, on or before March 1 of each year, the City Council shall annually report to the General Assembly the number of persons referred to ICE pursuant to the Act.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of August, A.D. 2006.

Mayor

ATTEST:

City Clerk