

DOÑA ANA COUNTY RESOLUTION NO. _____

**AMENDED RESOLUTION CALLING FOR DOÑA ANA COUNTY EMPLOYEES
TO SUPPORT THE CONDITIONS NEEDED TO CREATE
“SAFE COMMUNITIES FOR ALL RESIDENTS”**

WHEREAS, the Doña Ana County Board of County Commissioners (BOCC) is charged with the public safety and general welfare of all residents of Doña Ana County; and

WHEREAS, the BOCC passed Resolution No. 2014-91, A Resolution Calling for Doña Ana County Employees to Support the Conditions Needed to Create “Safe Communities for All Residents” in September 2014; and

WHEREAS, there have been significant changes in immigration enforcement since 2014, as well as changes in leadership at the federal, state, and local levels, making revision to the prior resolution necessary; and

WHEREAS, a safe community is a place where people can go about their daily activities without fear, or undue risk of harm or injury; and

WHEREAS, perceptions of safety—from the viewpoint of each resident—affects the way people interact with others who are part of or outsiders to their communities; and

WHEREAS, cohesive, vibrant, and participatory communities contribute to fewer incidents of injury and crime; and

WHEREAS, safe communities are a product of sound public policy and implementation strategies that engage all government employees; and

WHEREAS, many residents of Doña Ana County may be fearful of encounters with County employees because their families are of mixed status in terms of immigration and citizenship; and

WHEREAS, every department in County government exists to provide public services to residents of the county; and

WHEREAS, public expressions in the form of personal testimony, petitions and organizational statements suggest that some County employees may have carried out their work in a manner that inappropriately considers the immigration status or citizenship of residents; and

WHEREAS, the BOCC encourages all schools, local governments, and private businesses to consider taking similar steps to promote the health, welfare, and safety of residents;

NOW, THEREFORE, the Doña Ana County Board of County Commissioners does hereby resolve that all employees of Doña Ana County shall act toward all residents in a manner that is respectful of human rights, promotes the conditions necessary to create “Safe Communities”, and allows all residents to pursue a healthy, productive life free of fear; and

BE IT FURTHER RESOLVED, that the Board of County Commissioners does hereby direct the County Manager to implement this resolution in accordance with the following provisions:

1. Distribution of this Resolution:

The Office of the County Manager shall prepare and distribute a written directive outlining the intentions, responsibilities, prohibitions, and penalties associated with this resolution. Each Departmental Director shall provide their respective employees with a copy of this directive.

As out-reach to the larger community, a copy of the resolution and copy letter outlining its implementation and asking for their support shall be sent to all elected officials within Doña Ana County, the New Mexico Congressional delegation, the Governor of New Mexico, the New Mexico Secretary of State, the Commissioner of CBP, the Director of ICE, the United States Attorney General, and the President of the United States.

2. Use of County Funds or Property:

Unless required by federal or state statute, regulation, or court decision, no department, agency, commission, officer or employee of Doña Ana County shall use any County funds or resources to assist in the enforcement of federal immigration law or to gather, transmit or disseminate information regarding the immigration status of individuals in Doña Ana County. This prohibition shall include, but is not limited to:

A) Requesting information about, transmitting or disseminating information regarding the immigration status of any individual, or conditioning the provision of services or benefits by Doña Ana County upon immigration status, except as required by federal or state statute or regulation, or court decision. Any such existing criteria being used by the county at the time this Resolution is adopted shall be deleted within sixty days of the adoption of this Resolution.

B) Including on any application, questionnaire or interview form used in relation to benefits, services or opportunities provided by Doña Ana County, any question regarding immigration status other than those required by federal or state statute, regulation, or court decision. Any such questions existing or being used by the county at the time this Resolution is adopted shall be deleted within sixty days of the adoption of this Resolution.

C) Assisting or cooperating, in one's official capacity, with any Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP) investigation, detention, or arrest procedures, public or clandestine, relating to alleged violations of the civil provisions of the federal immigration law.

D) Utilizing any County-owned and operated structures or venues, including but not limited to parking lots, vacant lots, garages, parks, or similar structures or venues. For the purposes of this section, "staging area" means an area that is used to assemble, mobilize, and deploy vehicles,

equipment, or materials, and related personnel, for the purpose of carrying out immigration enforcement.

E) County Departments shall collaborate to identify County-owned and controlled structures or venues, including but not limited to parking lots, vacant lots, garages, parks, and similar structures or venues that either have been used, or are likely to be used in the future, as a staging area, processing location, or operations base for the purpose of immigration enforcement.

F) Where appropriate, County Departments shall ensure that all such properties have clear signage stating:

“This property is owned and controlled by Doña Ana County. It may not be used for immigration enforcement as a: Staging Area, Processing Location, or Operations Base.”

G) County Departments shall, whenever appropriate and consistent with this section, secure access to County-owned and controlled structures or venues, including but not limited to parking lots, vacant lots, garages, or parks by means including, but not limited to, locked gates or barriers.

H) County Departments shall develop the procedures necessary to implement this section. These implementing procedures shall provide that any County employee who becomes aware of the attempted or actual use of a County owned and controlled parking lot, vacant lot, or garage as a staging area, processing location, or operations base for immigration enforcement shall immediately report to their supervisor, who will communicate with the Board of County Commissioners and the County Attorney.

I) The County, its employees, contractors, or agents acting under the County's authority shall not approve any permit, contract or other agreement for use of County owned or controlled property or resources if the County, its employees, contractors, or agents have a reasonable belief the property or resources will be used for the purposes of facilitating immigration enforcement.

3. Safe Community Places

Under the County's authority to ensure its inhabitants may access the resources and spaces necessary to promote their health, safety, and welfare in a manner free from discrimination, the County designates all County owned or operated facilities as Safer Community Places.

4. Entry Into a Safe Community Place

Pursuant to the County's authority to protect Safe Community Places from unwanted intrusion and surveillance, the County orders the following:

(A) The County shall develop the necessary policies within 30 days of the effective date of this Ordinance to prohibit a Safer Community Place from providing voluntary consent to law enforcement agents engaged in or supporting immigration enforcement from:

(1) Entering non-public areas; or

(2) Accessing, reviewing or obtaining student or patient records.

(a) This section does not prevent a Safer Community Place from complying with a valid judicial warrant authorizing a search of such records or a valid judicial subpoena or judicial order compelling production of such 21 records; or

(b) This section does not prevent a Safer Community Place from providing consent to enter a Safer Community Place under exigent circumstances (involving an imminent threat to bodily harm or where law enforcement are in immediate pursuit of a suspect who has imminently fled into a private area).

(B) The County shall develop and implement a policy to ensure staff training and the posting of clear signage marking non-public spaces within County buildings and County funded facilities.

(C) For other facilities the County shall conduct outreach and request to work with building and location administrators to develop policy and training around private spaces and fourth amendment protections. The County shall offer signage and model policy language as part of this outreach.

5. Enforcement:

Violations of the provisions of this Resolution will be processed in accordance with the provisions for misconduct in Doha Ana County's Human Resources Policies and Procedures.

6. Limitations of Undertaking:

This Resolution is undertaken for the sole purpose of enhancing public safety and wellbeing. The action is not intended to create any new rights for which the County may be liable in money damages to any person who claims injury due to a breach of such rights. This section shall not be construed to limit or proscribe any other existing rights or remedies possessed by such person.

7. Severability:

If any part of this Resolution, or the application thereof, is held to be invalid, the remainder of this Resolution shall not be affected thereby, and this Resolution shall otherwise continue in full force and effect. To this end, the provisions of this Resolution, and each of them, are severable.

APPROVED AND ADOPTED this 12th day of May, 2026, by the Board of County Commissioners of Doña Ana County, State of New Mexico.

**BOARD OF COUNTY COMMISSIONERS OF
DOÑA ANA COUNTY, NEW MEXICO**

Manuel A. Sanchez, District 5, Chair **For/Against**

Gloria Gameros, District 2, Vice Chair **For/Against**

Christopher-Schaljo Hernandez, District 1 **For/Against**

Susie Kimble, District 3 **For/Against**

Susana Chaparro, District 4 **For/Against**

ATTEST:

Amanda López Askin, Ph.D.
County Clerk

INFORMATION: Q&A

1. Would Doña Ana County be alone in adopting this resolution?

No. In fact, Doña Ana County would be one of many governmental entities supporting “Safe Communities for All Residents” across the United States. The following is a list of other entities that have

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| Anchorage, AK | Fort Collins, CO | New York County, NY |
| Chandler, AZ | DeLeon Springs, FL | Farmingville, NY |
| Davis, CA | Miami, FL | Durham, NC |
| Downey, CA | Chicago, IL | Portland, OR |
| Los Angeles, CA | Evanston, IL | Brownsville, TX |
| Oakland, CA | Cambridge, MA | Houston, TX |
| San Bernardino, CA | Baltimore, MD | Salt Lake County, UT |
| San Jose, CA | Detroit, MI | Fairfax County, VA |
| Watsonville, CA | St. Paul, MN | Seattle, WA |
| New Haven, CN | Newark, NJ | Madison, WI |
| Denver, CO | Albuquerque, NM | Jackson Hole, WY |

2. Does the “Safe Community for All Residents” Resolution give immigrants more benefits?

The Safe Community for All Residents Resolution does not change the public services available to immigrants. It does, however, ensure that everyone can feel safe accessing those services, regardless of their immigration status. It is important to note that some County services may still require people to show identification to establish eligibility for certain public benefits. However, this information will not be disclosed to federal immigration authorities.

3. How does the “Safe Community for All Residents” Resolution benefit Doña Ana County?

The Safe Community for All Residents Resolution helps to maintain the stability of our communities. It keeps our communities safe by making sure all residents feel comfortable calling the Police and Fire Departments during emergencies and when they are witnesses or victims of a crime. It keeps our families and workforce healthy by providing safe access to schools, clinics and other County services. It keeps our promise to treat all residents fairly by preventing wrongful, discriminatory treatment that can also put the county at risk for civil liability.

4. How does the “Safe Community for All Residents” Resolution impact law enforcement?

While the Sheriff’s Department does not generally share information with federal immigration agents, there are some exceptions to this general rule. For example, local law enforcement officers may inform Immigration and Customs Enforcement (ICE) that they have arrested someone for a felony offense or who has a prior felony conviction, if officers become aware that the arrested person is an undocumented immigrant.