

(Seconded by Supervisor Staton. Supervisor Delgaudio accepted the amendments provided by Supervisors Waters and York (strikethrough, bolded, and underlined text). The amended motion passed 9-0).

**RESOLUTION REAFFIRMING COUNTY POLICY WITH
RESPECT TO COMPLIANCE WITH FEDERAL LAW AND ISSUE
DIRECTIVES INCIDENT TO SUCH REAFFIRMATION TO LOUDOUN
COUNTY STAFF**

WHEREAS, the Virginia State Code, Section 15.2-1700, states that any locality may provide for the protection of its inhabitants and property and for the preservation of peace and good order therein; and

WHEREAS, the Virginia State Code, Section 15.2-120 0, states that “Any County may adopt such measures as it deems expedient to secure and promote health, safety, and general welfare of its inhabitants which are not inconsistent with the general laws of the Commonwealth”, and

WHEREAS, the Loudoun County Board of Supervisors believes that legal immigration has been a benefit to Loudoun County and the Commonwealth of Virginia, has enriched countless communities across our nation, and is one of the very bedrock principles upon which our thriving society is built; and

WHEREAS, the Loudoun County Board of Supervisors **is concerned** that illegal immigration is causing economic hardship and lawlessness in this County and that illegal immigration may be encouraged by public agencies within the County by failing to verify immigration status as a condition of providing public services; and

WHEREAS, the Loudoun County Board of Supervisors is concerned that employers may be hiring illegal immigrants or hiring subcontractors that employ illegal immigrants; and

NOW, THEREFORE, BE IT RESOLVED that the Loudoun County Board of Supervisors hereby reaffirms county policy with respect to the county’s compliance with federal law;

BE IT FURTHER RESOLVED that the Loudoun County Board of Supervisors strongly encourages the Loudoun County Sheriff to, as quickly as practicable, enter into a cooperative agreement with the United States Department of Homeland Security, pursuant to United States Code title 8, Subsection 1357(g), to designate specific County law enforcement officers qualified to exercise the enforcement powers of federal immigration officers in the United States;

BE IT FURTHER RESOLVED that the Loudoun County Board of Supervisors does hereby issue the following directives incident to such reaffirmation to the Loudoun County Administrator and staff;

- A. The County Administrator shall provide the Board with information that outlines the enabling authority and legal conditions under which Loudoun County provides public benefits and services to local residents, including:
 - (i) those local public benefits that must be provided to county residents regardless of immigration status pursuant to state or federal law;
 - (ii) those local public benefits that must not be provided to county residents who are unlawfully present in the country pursuant to state or federal law;
 - (iii) those local public benefits for which the county has the [discretion](#) to require legal presence for the use of those services.
 - (iv) implementation strategies for verifying legal presence for those services for which the discretion to deny services to those who are not legally present exists, as well as the staff's analysis of the relative merits of exercising that discretion for each public benefit identified.

- B. Except as otherwise restricted by federal or state law, no official, personnel or agent of the County, including officer and personnel of the Sheriff's Department, may be prohibited or in any way restricted from sending, receiving, or maintaining, lawfully obtained information regarding the immigration status, lawful or unlawful, or any individual, or exchanging such information with any other federal, state, or local government entity for the following purposes:
 - (i) Determination of eligibility for any federal, state, or local public benefit, service or license which is restricted, in whole or in part, to persons who are not United States Citizens or non-qualified aliens, pursuant to Virginia Code Ann. 32.1-325.03; Virginia Code Ann. 63.2-503.1; and United States Code Title 8, Section 1621;
 - (ii) Verification of any claim of legal domicile within the County by a person who asserts that he or she is not a citizen, national or legal resident of the United States; where legal domicile is required by law or contract;

- C. The preceding directives shall be implemented in a manner fully consistent with federal law regulating immigration and protecting the civil rights of all citizens and aliens. They shall not be construed so as to prohibit the rendering of emergency medical care or any other public

benefits mandated by federal or state law or the reporting of a crime or criminal activity to any law enforcement agency.

- D. The County Administrator and the County Attorney shall provide the Board with information that outlines the enabling authority and legal conditions under which Loudoun County can deny building permits, business licenses, or contracts to those companies that may not be in compliance with Federal immigration laws.**

BE IT FURTHER RESOLVED that the Loudoun County Board of Supervisors shall send a letter, **signed by the Chairman**, to the County's federal delegation in Congress, the President of the United States, and the Governor of Virginia advising them of the passage of this directive and requesting that they act expeditiously to enact meaningful immigration reform, which includes securing the borders of the United States to prevent unlawful entry into the Country.

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