

**RESOLUTION
OF THE
COUNTY BOARD OF THE COUNTY OF WINNEBAGO, ILLINOIS**

2024 CR _____

AUTHORED BY: PAUL ARENA

SUBMITTED BY: OPERATIONS AND ADMINISTRATIVE COMMITTEE

SPONSORED BY: AARON BOOKER, JIM WEBSTER, JOHN GUEVARA, BRAD LINDMARK, KEITH MCDONALD, PAUL ARENA, JOHN BUTITTA, JOHN PENNEY, KEVIN MCCARTHY, JEAN CROSBY, MICHAEL THOMPSON, JOHN SWEENEY

**RESOLUTION REGARDING THE EMERGENCY RESPONSE TO THE
ABANDONMENT OF ASYLUM SEEKERS IN WINNEBAGO COUNTY**

WHEREAS, it is widely-reported and apparent that there is an increased influx of foreign nationals seeking asylum entering the United States at the U.S.-Mexico border, resulting in a humanitarian and security crisis of grave national concern; and

WHEREAS, the governor of the state of Illinois has signed legislation in relation to immigrants and refugees establishing Illinois as the “Most Welcoming State in the Nation” [Governor J.B. Pritzker’s press release dated Aug. 2, 2021, entitled “Gov. Pritzker signs legislation further establishing Illinois as the Most Welcoming State in the Nation”]; and

WHEREAS, on August 18, 2023, in response to the number of Asylum Seekers being transported to the State of Illinois from the State of Texas with little to no notice, the governor of the State of Illinois signed a proclamation declaring all counties in the state as a disaster area; and

WHEREAS, in accordance with the authority established by the disaster declaration, the state of Illinois has made resources to assist Asylum Seekers available at the Landing Zone located in the City of Chicago; and

WHEREAS, on January 21, 2024, the Illinois Emergency Management Agency-Office of Homeland Security (IEMA-OHS) approved the Response Planning Guide for Uncoordinated Asylum Seeker Arrivals, providing guidance to units of government for the “Onward Movement” of Asylum Seekers to the landing zone in the City of Chicago; and

WHEREAS, for the purposes of this Resolution, the term “Asylum Seekers” shall be in reference to individuals addressed by the Governor’s disaster declaration and the IEMA-OHS plan; and

WHEREAS, the Supreme Court of the United States has long held that “the authority to control immigration—to admit or exclude aliens—is vested solely in the Federal government.” *Truax v. Raich*, 239 U.S. 33, 42 (1915); and

WHEREAS, the state of Texas and state of Missouri unsuccessfully challenged the current presidential administration's Department of Homeland Security decision of June 1, 2021, which had officially terminated the Asylum Seeker Protection Protocols that had been initiated under the prior presidential administration [See, *Biden v. Texas*, 597 U.S. 785 (2022)]; and

WHEREAS, the state of Texas recently passed legislation to allow state police to arrest Asylum Seekers who cross the border into Texas unlawfully, and the state was thereafter promptly sued by the United States Department of Justice to enjoin enforcement of the law. [See *U.S. Department of Justice sues Texas over Immigration Law*, by Kanishka Singh, Reuters, Jan. 3, 2024]; and

WHEREAS, the County of Winnebago ("Winnebago County" or "County") acknowledges that the authority to regulate immigration lies solely with the Federal Government and that neither the state of Illinois nor the County has authority to regulate or restrict immigration.

WHEREAS, the volume of Asylum Seekers transported by the state of Texas to Illinois and particularly in the nearby Chicagoland area, to the state of New York, and elsewhere, is reportedly overwhelming social service agencies and straining community resources; and

WHEREAS, the state of Texas has transported Asylum Seekers to the state of Illinois by way of the Chicago Rockford International Airport, with a final drop-off to the Landing Zone in Chicago; and

WHEREAS, Winnebago County, Illinois joins with other communities that are concerned with the lack of a Federal comprehensive plan to provide for and administer services and critical assistance to Asylum Seekers; and

WHEREAS, non-home rule counties are only granted powers by virtue of state law and must operate within the confines of express or implied authority given to them by the state; and

WHEREAS, Winnebago County, while empathetic to the plight of Asylum Seekers, does not have sufficient resources nor the authority to expend resources to provide for the long-term housing, medical or other critical needs of Asylum Seekers in Winnebago County during this humanitarian crisis; and

WHEREAS, the transportation of Asylum Seekers from the state of Texas to the state of Illinois has been without coordination between the two states, which raises the possibility of Asylum Seekers being abandoned away from the Landing Zone in the city of Chicago; and

WHEREAS, Winnebago County has determined that the abandonment of Asylum Seekers would constitute an emergency situation that may threaten the health and safety of those Asylum Seekers abandoned; and

WHEREAS, Winnebago County has the authority to respond to emergency situations within the County and to expend resources in response to emergency situations; and

WHEREAS, the obligation to control immigration lies with the federal government, and the status of Illinois as the "Most Welcoming State in the Nation" has been established by State

government, therefore; the costs associated with the arrival of Asylum Seekers into Illinois should be borne by State and Federal government; and

WHEREAS, Winnebago County has determined that it will not utilize its taxpayer-funded reserves, including any available monies in its emergency fund, for long term housing, medical, or other needs of Asylum Seekers, except that the County may, within its discretion, and subject to further Board action, specifically in the case of an emergency situation where Asylum Seekers are abandoned in Winnebago County and without means of transportation to the landing zone in Chicago, utilize any available general fund monies that were allocated for incidental, contingent or miscellaneous expenditures under 55 ILCS 5/6-1002(e) and the County's Purchasing Ordinance, provided that such expenditures are related to costs for transportation to the landing zone in Chicago and the essential care of Asylum Seekers during the emergency; and

WHEREAS, nothing in this Resolution shall be construed to prohibit the County from seeking reimbursement, such as state or federal funding, to recover funds used to address the needs of Asylum Seeker during an emergency; and

WHEREAS, the County wishes to continue dialogue with state, federal and local governmental officials, and other community leaders, to attempt to find solutions to address this humanitarian crisis; and

WHEREAS, Winnebago County urges President Biden to exercise all options under his current authority to control the volume of Asylum Seekers into the United States; and

WHEREAS, Winnebago County urges our members of Congress to reform immigration policy to address the volume of asylum seekers coming into the United States; and

NOW, THEREFORE, BE IT RESOLVED by the County Board of the County of Winnebago, Illinois, the County will not utilize its taxpayer-funded reserves, including any available monies in its emergency fund, for long term housing, medical, or other needs of Asylum Seekers, except that the County may, within its discretion, and subject to further Board action, specifically in the case of an emergency situation where Asylum Seekers are abandoned in Winnebago County and without means of transportation to the landing zone in Chicago, utilize any available general fund monies that were allocated for incidental, contingent or miscellaneous expenditures under 55 ILCS 5/6-1002(e) and the County's Purchasing Ordinance, provided that such expenditures are related to costs for transportation to the landing zone in Chicago and the essential care of Asylum Seekers during the emergency; and

BE IT FURTHER RESOLVED, that the County will continue dialogue with state, federal and local governmental officials, and other community leaders, to attempt to find solutions to address this humanitarian crisis.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect immediately upon its adoption.

**Respectfully submitted,
OPERATIONS & ADMINISTRATIVE COMMITTEE**

AGREE

DISAGREE

Keith McDonald, Chairman

Keith McDonald, Chairman

Valerie Hanserd, Vice Chair

Valerie Hanserd, Vice Chair

Paul Arena

Paul Arena

John Butitta

John Butitta

Joe Hoffman

Joe Hoffman

Jaime Salgado

Jaime Salgado

Michael Thompson

Michael Thompson

The above and foregoing Resolution was adopted by the County Board of the County of Winnebago, Illinois this _____ day of _____, 2024.

Joseph V. Chiarelli
Chairman of the County Board
of the County of Winnebago, Illinois

ATTESTED BY:

Lori Gummow
Clerk of the County Board
of the County of Winnebago, Illinois