

## RESOLUTION

### Board of Hennepin County Commissioners

#### RESOLUTION: 26-0069 R1

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At a meeting of the Board of Hennepin County Commissioners, a motion was made by Commissioner Edelson, and seconded by Commissioner Fernando, that the Resolution be adopted. The motion passed.

WHEREAS, on January 27, 2026, the Hennepin County Board of Commissioners adopted Resolution 26-0034 R1, which documented the experiences of Hennepin County residents during Operation Metro Surge, denounced the violent and unlawful actions taken by federal agents in Hennepin County, and called for an immediate suspension to Operation Metro Surge; and

WHEREAS, during December 1, 2025 to February 12, 2026, Operation Metro Surge expanded beyond U.S. Immigration and Customs Enforcement (ICE) to include federal presence from U.S. Customs and Border Protection (CBP) and other federal agencies, with the highest number exceeding 4,000 Department of Homeland Security (DHS) agents in Minnesota as reported during a court proceeding on January 26, 2026; and

<https://sahanjournal.com/immigration/judge-considers-minnesota-request-stop-operation-metro-surge/>

WHEREAS, despite reporting on February 4, 2026 of reduced federal presence and a drawdown by 700 agents in Minnesota, Operation Metro Surge remains active and the number of federal agents remains larger in number than the area's top law enforcement agencies combined; and

<https://www.mprnews.org/story/2026/02/04/tom-homan-border-czar-immigration-surge-minnesota-press-conference>

<https://www.startribune.com/how-ice-numbers-compare-to-twin-cities-largest-police-forces/601562617>

WHEREAS, a federal judge from the District of Minnesota stated that one federal agency (ICE) has violated more court orders in January 2026 than most federal agencies violate in their entire existence, with ICE violating nearly 100 court orders at the time of reporting on January 29, 2026, as well as several high-profile unlawful detentions of children; and

<https://govfacts.org/immigration/immigration-enforcement/immigration-detention/federal-judge-say-ice-violated-more-court-orders-than-most-agencies-in-their-existence/>

<https://www.cbsnews.com/minnesota/news/ice-violations-judge-statement-twin-cities-texas-immigration/>

WHEREAS, on January 16, 2026, Congresswoman Ilhan Omar (MN-05) and Congresswoman Pramila Jayapal (WA-07) held a Field Hearing at the MN State Capitol, titled: "Kidnapped and Disappeared: Trump's Deadly Assault on Minnesota." This was the 6th hearing in the "Kidnapped and Disappeared" series; 28 members of Congress from 18 states across the state were in attendance, the largest number since the series began last summer; and

<https://www.hennepinD2.com/statements/2026/1/29/on-congresswoman-omars-field-hearing-on-trumps-deadly-assault-on-minnesota-on-11626>

WHEREAS, federal agents deployed to Minnesota for Operation Metro Surge shot and killed two Hennepin County residents and U.S. citizens, Renee Good on January 7, 2026 and Alex Pretti on January 24, 2026 - with no independent investigation underway for either videotaped killing, which is against best practice for officer-involved fatalities, and also undermines trust in public safety, criminal justice, and judicial systems; and

WHEREAS, on January 24th (hours after Alex Pretti's killing), the United States Attorney General sent a letter to the Minnesota Governor outlining several "solutions" that would "restore the rule of law, support ICE officers, and bring an end to the chaos in Minnesota." The letter called on the state to "share all of Minnesota's records" relating to Medicaid and food assistance programs, including SNAP, and requested access to Minnesota voter rolls which contain private data protected by state and federal law. (social security and driver's license information); and <https://www.nytimes.com/interactive/2026/01/24/us/pam-bondi-walz-doc.html>

WHEREAS the annual budget for ICE skyrocketed fourteen-fold over a 10-year span from less than \$6 billion in 2016 to an available \$85 billion in 2026, due to HR1 enacted July 2025; HR1 also cut over \$1 trillion from federal healthcare programs that places all hospitals at material risk, and HR1 cut \$187 billion from the Supplemental Nutrition Assistance Program (SNAP); and <https://www.npr.org/2026/01/21/nx-s1-5674887/ice-budget-funding-congress-trump>  
<https://www.advisory.com/content/dam/advisory/en/public/content-resources/2025/obbba-impacts.pdf.coredownload.pdf>  
<https://www.cbpp.org/research/food-assistance/by-the-numbers-harmful-republican-megabill-take-s-food-assistance-away-from>

WHEREAS, on at least four occasions during Operation Metro Surge, ICE agents arrested individuals at Hennepin County buildings housing state courtrooms, including two arrests at the Hennepin County Government Center skyway level on February 5, 2026 and February 10, 2026; and

WHEREAS, federal officials have consistently indicated and news reports today reiterated that the reduction in federal agents is tied to discussions between federal officials and local law enforcement leaders regarding cooperation agreements, including a proposed Basic Ordering Agreement (BOA) that would involve county jails providing access to individuals for federal immigration enforcement purposes; and

WHEREAS, federal officials including White House border czar Tom Homan of the Department of Homeland Security have announced that the federal immigration enforcement operation known as "Operation Metro Surge" in Minnesota is ending and that a significant reduction of ICE and other federal agents deployed in the state is underway, with further drawdown expected over the coming week; and

WHEREAS, the operations of the Hennepin County Sheriff's Office (HCSO) including the jail already comply with state and federal legal requirements, including providing relevant booking information as required by state and federal law; and

WHEREAS, any additional cooperation would be a policy choice for local elected officials and not based on any federal or state legal requirement; and

WHEREAS, the Office of the Minnesota Attorney General published a formal legal opinion on February 6, 2025, that concluded: "Minnesota law prohibits state and local law enforcement agencies from holding someone based on an immigration detainer if the person would otherwise be released from custody" (p. 2); and

<https://www.ag.state.mn.us/Office/Opinions/3a-20250206.pdf>

WHEREAS, Section 287(g) of the Immigration and Nationality Act authorizes ICE to enter into agreements with state and local law enforcement agencies, allowing them to perform limited immigration enforcement duties; and

WHEREAS, under Minnesota Statutes § 373.01, subd. 1(a)(5), authority to approve any contracts, including Section 287(g) agreements and a Basic Ordering Agreement (BOA), rests with elected county boards, and elected Sheriffs do not have unilateral authority to enter into contracts on behalf of the County, including Section 287(g) agreements and BOA with the federal government; and

WHEREAS, the Minnesota Attorney General has stated that “Sheriffs’ powers are defined by state law and do not include the ability to enter cooperative agreements with the federal government,” stating instead that such agreements require approval of the county board; and

WHEREAS, the Hennepin County Sheriff has not asked the County Board to approve a Section 287(g) agreement or BOA, and the County Board has not approved a Section 287(g) agreement or BOA; and

WHEREAS, in compliance with federal court decisions, the HCSO’s policy existing as of February 12, 2026, does not allow holding individuals in custody based solely on DHS/ICE Immigration Detainers because such administrative detainers do not provide judicial authority for the HCSO to hold an individual beyond the time they would otherwise be released under state criminal proceedings; and

WHEREAS, the United States of America filed a civil suit against Hennepin County, the Hennepin County Sheriff, and others, alleging violations of federal law based in part on the HCSO’s policy of not holding individuals in custody when the only documentation for such custody is a DHS/ICE Immigration Detainer; and

WHEREAS, under Minnesota Statutes § 387.11, the Hennepin County Sheriff has statutory authority to operate the Hennepin County jail including custody of any individuals detained, and therefore the Sheriff is the final policymaker for operational policies at the jail; and

WHEREAS, the HCSO’s current policy is to focus HCSO resources on its statutory responsibilities for local law enforcement, public safety, jail operations, etc., and not to divert HCSO’s resources to assist in civil immigration enforcement, e.g., by utilizing physical space at the jail for ICE agents to office or by utilizing staff resources to proactively notify ICE when an individual is admitted or released.

**Resolution:**

BE IT RESOLVED, that the Hennepin County Board of Commissioners reaffirms their Oath of Office to support the Constitution of the United States and the Constitution of the State of Minnesota, and to faithfully discharge the duties of the office of Commissioner to the best of each Commissioner’s judgment and ability; and

BE IT FURTHER RESOLVED, that the Hennepin County Board recognizes the U.S. Constitution including its First 10 Amendments, also known as the Bill of Rights, which outline the people’s fundamental rights and civil liberties and the people’s constitutional protections:

- 1st Amendment - right to freedom of speech, religion, press, assembly, and petition

- 2nd Amendment - right to keep and bear arms
- 3rd Amendment - right against the unconsented housing of soldiers
- 4th Amendment - right against unreasonable searches and seizures
- 5th Amendment - right to due process, and right against self-incrimination
- 6th Amendment - right to fair and speedy trial, and right to impartial jury
- 7th Amendment - right to trial by jury in civil cases
- 8th Amendment - right against excessive bail and fines, and cruel and unusual punishment
- 9th Amendment - clarifies that just because certain rights are listed in the Constitution does not mean that individuals do not have other rights that are not explicitly listed
- 10th Amendment - clarifies that any powers not specifically granted to the federal government by the Constitution are reserved for the states or the people; and

<https://nccs.net/blogs/americas-founding-documents/bill-of-rights-amendments-1-10>

<https://www.havefunwithhistory.com/27-amendments-simplified/>

BE IT FURTHER RESOLVED, that the Hennepin County Board reiterates the need for an independent or parallel investigation into the videotaped killings of Renee Nicole Good and Alex Jeffrey Pretti, to be conducted by the Minnesota Bureau of Criminal Apprehension (BCA) as the expert agency through the specialized Force Investigations Unit (FIU); and

BE IT FURTHER RESOLVED, that the Hennepin County Board reaffirms support for staff and community who are witnessing and experiencing the onslaught of federal agents in the County, recognizes the commendable and timely establishment of Operation Reconnect by County Administration, and expresses gratitude to workers and providers who remain steadfast in delivering services, connection, and care for every resident, regardless of background, language, or circumstance with a person-centered and trauma-informed methodology; and

BE IT FURTHER RESOLVED that the Hennepin County Board supports the Hennepin County Sheriff's existing policy with respect to federal immigration enforcement, urges the Sheriff to not make substantive changes to the policy to voluntarily increase cooperation with federal immigration enforcement, and requests the Sheriff to publish notification to the County Board and residents if any substantive changes to the policy are made that result in increased cooperation with federal immigration enforcement; and

BE IT FURTHER RESOLVED, that the County Board supports the Sheriff's current policy related to lawful bases for detention which complies with state and federal law and prohibits detaining someone based solely on a DHS/ICE immigration detainer if the person would otherwise be released from custody; and

BE IT FURTHER RESOLVED, that the County Board acknowledges reaffirms its contracting authority, as confirmed by an opinion of the Minnesota Attorney General's Office, that only the County Board has authority to enter into contracts on behalf of the County, including any proposed Section 287(g) agreement or BOA with the federal government; and

BE IT FURTHER RESOLVED, that the County Board urges ICE to refrain from civil immigration enforcement actions in or near courthouses; and

BE IT FURTHER RESOLVED, that the County Board reaffirms existing Hennepin County Security policy that prohibits Security Officers from cooperating with ICE agents, except as required by law; and

BE IT RESOLVED that the County Board affirms its commitment to public safety, legal due

process, and the protection of civil rights in all discussions involving federal immigration enforcement operations and local law enforcement participation.

**Recommendation from County Administrator:** No Recommendation

RESOLUTION ADOPTED ON 2/12/2026

The question was on the adoption of the resolution with the votes as follows:

**Aye:** 5 Commissioner Fernando, Commissioner Goettel, Commissioner Greene, Commissioner Conley, and Commissioner Edelson

**Absent:** 2 Commissioner Lunde, and Commissioner Anderson

**Maria Rose**



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Maria Rose