

## Keri O'Brien

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**From:** Ashley Sybesma <ashley@thesmithlawfirm.com>  
**Sent:** Monday, July 7, 2025 9:33 AM  
**To:** District I; District II; District III; District IV; District V; District VI  
**Cc:** Mayor E-Mail; PIO EMAIL; Kendal Harden; City Clerk External E-Mail  
**Subject:** [EXTERNAL] Public Commentary for July 8, 2025 Special Meeting - Request to Table 287(g) Resolution Pending Legal Clarification

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**Please add the following to the record for the July 8, 2025 Special Meeting**

Dear Mayor Henriquez and Commissioners,

Thank you for the opportunity to share my comments regarding the proposed 287(g) resolution.

I write today to respectfully urge you *not* to move forward with the resolution at this time. Instead, I encourage the Commission to **table the matter until the City can obtain legal clarity** on its obligations under Chapter 908 of the Florida Statutes.

On June 30, this Commission voted to void a 287(g) agreement that had been improperly executed without the legal authority required under our City Charter. That vote was not a rejection of federal immigration enforcement—it was a vote to correct a procedural defect. Until now, the City has maintained a strong legal position: it was addressing an internal process issue and preparing to seek judicial guidance on whether Florida law actually requires entry into such an agreement.

However, if the resolution before you is either passed or voted down tonight, it significantly increases the risk that the Governor and Attorney General will argue that the City is "prohibiting" participation in the 287(g) program—precisely the conduct prohibited by Section 908.103(6)(d), Florida Statutes. In short, we risk stepping into a legal trap.

Moreover, the language of this resolution appears to concede—without legal challenge—the Attorney General's assertion that Key West is now a "sanctuary city" in violation of state law. That framing matters. It will surface in court pleadings, press releases, and future legislative debates. Once it's part of the public record, it cannot easily be undone.

We do not have to make that mistake. I respectfully request that the Commission **table the resolution** and direct the City Attorney (or outside counsel) to seek a **declaratory judgment**, as the City of South Miami is doing. Let a court decide whether entering into this agreement is legally required. That approach is not only responsible and strategic—it is lawful.

Due to prior obligations that cannot be changed, I may be unable to attend the full meeting tomorrow. However, I felt strongly enough about this issue to submit these comments in writing, and ask that—if I am unable to be present—they be read into the record on my behalf.

Let's not rush this decision. Let's do it right.

Thank you for your time and thoughtful consideration.

Sincerely,

Ashley N. Sybesma

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