



# AGENDA REPORT

Meeting Date

10/4/2010

**Prepared By:** William P. Curley III, City Attorney and Karen Hamman, City Clerk  
**Reviewed By:** Irwin B. Bornstein, Assistant City Manager/Director of Administrative Services  
**Submitted By:** Dennis Wilberg, City Manager

**Agenda Title**

E-Verify Program Compliance for City Contracts

**Recommended Action**

Receive Report.

**Executive Summary**

On August 16, 2010, the City Council adopted Ordinance 10-281 pertaining to Federal E-Verify compliance for all agreements with the city in excess of \$30,000. At the same meeting, the Council requested that staff return with an outline of the procedures for implementation of the program.

Purchasing staff has since revised the city's standard agreement forms for contracts over \$30,000 to reflect the new e-Verify compliance language required in the ordinance and as recommended by the City Attorney's Office. Contract amendment forms have also been revised to ensure that contracts over \$30,000 that were executed prior to the ordinance's effective date are updated for the new e-Verify requirements at the time of a subsequent amendment.

Over the next month, purchasing staff will also update the relevant sections of the city's Purchasing Policies and Procedures Manual to reflect the revised contract forms and any other purchasing-related procedures needed to implement the ordinance requirements.

The office of the City Clerk will send letters to all current contractors with contracts over \$30,000 (approximately 130) requesting proof of enrollment and participation in the E-Verify Program. The required evidence will be in the form of a Memorandum of Understanding that is issued and signed by the Department of Homeland Security-Verification Division.

Contracts commencing on or after September 1, 2010, will also require the E-Verify Compliance Statement, outlined above, as a condition of the award of all new contracts. The E-Verify participation forms will be requested during the City Clerk's office contract management process (i.e. while gathering contract signatures, certificates of insurance and necessary bonds.)

In March and September of each year, the City Manager and/or City Clerk will provide a written report to the City Council detailing the city's review and enforcement program, including, but not limited to, a summary of the accomplished and proposed performance audits of contractors; recommendations for further reviews, if any, and any recommendations for program refinement that the City Manager and city staff have identified in the course of applying the E-Verify program procedures.

The City Clerk's office will maintain the E-Verify Compliance Statements submitted by the contractors for a period of five years. In the near future, the City's retention schedule will be amended to reflect this retention period. All E-Verify Compliance Statements will be a matter of public record and will be

available for inspection and copying pursuant to the California Public Records Act.

**Fiscal Impact:**

**Amount Requested \$**

**Sufficient Budgeted Funds Available?:** (If no, see attached fiscal analysis)

**Prog/Fund #      Category: Pers.      Optg.      Cap.      -or- CIP#      Fund#**

**Previous Relevant Council Actions for This Item**

July 6, 2010

August 16, 2010

**Attachments**

Sample MOU issued by the Department of Homelands Security

Ordinance 10-281