

RESOLUTION 10-56

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF MISSION VIEJO CONFIRMING THE E-VERIFY
AUDIT PROCESS**

BE IT RESOLVED by the City Council of the City of Mission Viejo as follows:

1. This City Council has previously reviewed and accepted the audit process prepared in furtherance of the City's ordinance. This City Council desires to formalize its prior approval pursuant to this Resolution.
2. The audit policy attached to this Resolution shall be adhered to by staff as and pursuant to its terms unless subsequently amended by this City Council pursuant to law. Further the results, including positive responses, negative responses, and non-responses to the reporting obligations specified in the Ordinance and the E-Verify Program, together with the results of all audits, all as specified in the Ordinance and this Resolution shall be publically available and shall be posted on the City's website for public review as required by law, this Resolution and Municipal Code.
3. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

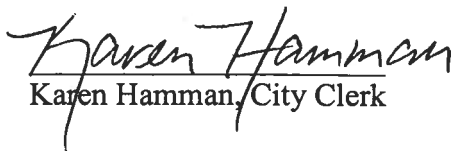
PASSED, APPROVED AND ADOPTED on this 18th day of October, 2010.


Trish Kelley, Mayor

I hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Mission Viejo at a regularly scheduled meeting thereof, held on this 18th day of October, 2010 by the following vote of the Council.

AYES: Kelley, Leckness, Ledesma, Schlicht, and Ury
NOES: None
ABSENT: None

ATTEST:


Karen Hamman, City Clerk



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#
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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