

## **RESOLUTION NO. 595**

**WHEREAS**, The City of Woodland has a responsibility to its citizens to ensure that tax dollars are being spent appropriately; and

**WHEREAS**, the Federal Immigration, Reform and Control Act of 1986, as amended, requires all employers, including the City of Woodland, to verify and maintain documentation that every newly hired employee is legally entitled to work in the United States; and

**WHEREAS**, the City of Woodland should use its role as a purchaser of goods and services to ensure that the employers that receive contracts funded by city tax dollars comply with federal immigration laws; and

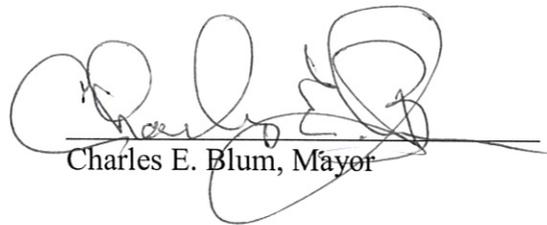
**WHEREAS**, the Department of Homeland Security, the Social Security Administration and the United States Citizenship and Immigration Service have created an electronic employment verification system called E-Verify to assist employers in electronically verifying the employment eligibility of newly hired employees.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOODLAND, STATE OF WASHINGTON** as follows:

1. The Clerk/Treasurer shall implement purchasing policies to ensure that the City of Woodland contracts in excess of \$10,000 ten thousand dollars are awarded to vendors which are in compliance with the federal employment verification laws including:
  - a) Developing contract language that requires vendors and subcontractors to certify compliance with the Immigration, Reform and Control Act of 1986 in relation to employees performing work in the United States, and that the vendor and subcontractors do not knowingly employ persons in violation of United States immigration laws.
  - b) Requiring certification from vendors and subcontractors that, as of the date services on behalf of the City of Woodland will be performed, the vendor and all subcontractors have implemented or are in the process of implementing the E-Verify program for all newly hired employees who will perform work on behalf of the contractor.
  - c) Developing contract language and policies that allows the City of Woodland to debar the vendor from entering into contracts with the City if the Clerk/Treasurer determines that the vendor or subcontractor, within the control of the contract vendor, has knowingly employed ineligible workers in violation of federal immigration laws.

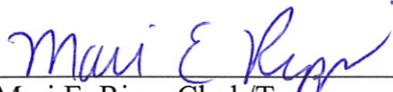
2. Develop policies and procedures to ensure that contracting departments will ensure compliance with these policies.
3. The Clerk/Treasurer or designee shall develop a system that will track compliance and shall provide an annual report to the Woodland City Council.
4. The Clerk/Treasurer will report back to the council after a one-year trial period and report the findings of enforcement, additional staff time, monitoring, etc.

**ADOPTED** in an open meeting this 22<sup>nd</sup> day of February, 2011.



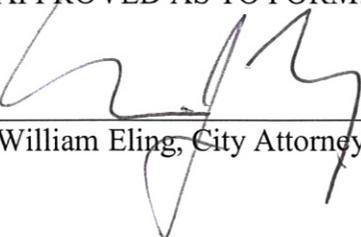
Charles E. Blum, Mayor

ATTEST:



Mari E. Ripp, Clerk/Treasurer

APPROVED AS TO FORM:



William Eling, City Attorney

**RESOLUTION NO. 596**

**EXHIBIT "A"**

**CITY OF WOODLAND, WA  
POLICY & PROCEDURE – E-VERIFY**

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**Policy Effective: February 22, 2011**

**PURPOSE:** The purpose of this E-Verify Policy is to establish a requirement for certain contractors (hereinafter meaning the general contractor and any and all subcontractors assigned to perform work under the contract) to document that each employee (both citizen and non-citizen) hired after November 6, 1986 is authorized to work in the United States.

**SCOPE:** The E-Verify Policy applies to all representatives of the City of Woodland engaged in the purchasing process. This policy applies to the solicitation of Bid & RFP's for Public Works projects and professional services contracts with an annual contract amount equal or greater than \$10,000.

The Clerk Treasurer is hereby instructed by Council action of February 22, 2011 to implement this policy for a one (1) year trial period and report back to the Finance Committee and Council after the trial with the results of the implementation, pro's and con's and other pertinent information.

**POLICY:** Awarded contractors shall have sixty (60) days after execution of the contract to register and enter into a Memorandum of Understanding (MOU) with the Department of Homeland Security (DHS) E-Verify program. After completing the MOU the contractor shall have an additional sixty (60) days to provide a written record on the authorized employment status of their employees and those of any sub-contractor(s) currently assigned to the contract. Employees hired during the contract term and after submission of the initial verification will be verified to the City of Woodland within thirty (30) days of hire, as reported from the E-Verify program. The contractor will continue to update the City of Woodland on all corrective actions required and changes made during the performance of the contract.

**COMPLIANCE:** Contracting departments shall be responsible to ensure contractor compliance. Contracting departments will require the following records from the contractor: DHS MOU, written verification from the contractor (E-Verify Summary List); and certified payroll. Departments shall follow-up with the contractor to ensure that any discrepancies in the status of contractor employees are corrected. Copies of all contractor compliance documentation shall be sent to the Clerk/Treasurer's office, which will track contractor compliance and provide an annual report to the Woodland City Council.

**NON COMPLIANCE:** Contractors who fail to sign an MOU within sixty (60) days or who fail to meet the subsequent thirty (30) or sixty (60) day reporting deadlines may be considered in breach of contract and may be suspended from bidding on future projects for two (2) years from the date of the suspension or until they meet the E-Verify requirements. Contractors who fail to provide written employment verification prior to the end of the suspension period may be debarred from all future work with the City of Woodland until the contractor provides all required documentation. The City of Woodland Clerk/Treasurer will determine the required corrective action and will notify the contractor.

**APPEAL:** The Contractor and/or its Sub Contractor shall have thirty (30) days from the date of corrective action notice to appeal in writing the decision of the City of Woodland Clerk/Treasurer.

**PROCEDURES:** Purchasing will include the following language in the General Terms and Conditions for all Construction Bids and RFP Template:

“Effective February 22, 2011, all contracts with a value of  $\geq$  \$10,000 shall require that the awarded contractor register with the Department of Homeland Security E-Verify program. Contractors shall have sixty (60) days after the execution of the contract to register and enter into a Memorandum of Understanding (MOU) with the Department of Homeland Security (DHS) E-Verify program. After completing the MOU the contractor shall have an additional sixty (60) days to provide a written record on the authorized employment status of their employees and those of any sub-contractor(s) currently assigned to the contract. Employees hired during the execution of the contract and after submission of the initial verification will be verified to the City of Woodland within thirty (30) days of hire, as reported from the E-Verify program. The contractor will continue to update the City on all corrective actions required and changes made during the performance of the contract.”

City Departments shall ensure compliance and retain the written verification and forward a copy to the Clerk/Treasurer's office.

The Clerk/Treasurer's office will track all bids and RFP's and will identify those that require the Contractor to comply with E-Verify. The log will include compliance status; and action taken to ensure compliance; and the Contractor's suspension/debarment status. The Clerk/Treasurer will prepare an annual report on the E-Verify program and provide a copy to the Woodland City Council.