

ORDINANCE NO. 2626

AN ORDINANCE adding a new Chapter to the Camas Municipal Code to be entitled Contracting Requirements – Lawful Hiring Compliance For Contractors of Public Work,

WHEREAS, the City has an interest in ensuring that those Public Work Contractors who contract with the City employ only individuals who are employment eligible; and

WHEREAS, “E-Verify”, an Internet based system operated by the Department of Homeland Security in partnership with the Social Security Administration, is free and voluntary; and

WHEREAS, “E-Verify” is a suitable means for determining employment eligibility of new hires and the validity of their Social Security numbers; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CAMAS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section I

There is hereby added to the Camas Municipal Code a new Chapter to provide as follows:

Chapter 2.98
Contracting Requirements – Lawful Hiring Compliance
For Contractors of Public Work

Sections

2.98.010 Reference
2.98.020 Definitions
2.98.030 Application of Requirements
2.98.040 Enforcement of Contract Terms

2.98.010 Reference.

The ordinance shall be known and may be cited as the “City of Camas Public Work Contractor Lawful Hiring Compliance Ordinance”.

2.98.020 Definitions.

When used in this chapter, the following words, terms and phrases shall have the meanings ascribed to them therein, and shall be construed so as to be consistent with state and federal law, including federal immigration law.

- (a) *City*. The City of Camas, Washington.
- (b) *Contract*. Contract shall mean a contract for construction of a Public Work as defined by RCW 39.04.010.
- (c) *Contractor*. A person or employer that enters into a Contract in exchange for valuable consideration. No governmental agency shall be considered to be a Contractor for purposes of this chapter.
- (d) *E-Verify*. E-Verify shall mean the electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, Pub. L. No. 104-208, Division C, Title IV, s. 403(a), as amended, and operated by the United States Department of Homeland Security, or a successor electronic verification of work authorization program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work authorization status of newly hired employees pursuant to the Immigration Reform and Control Act of 1986, Pub. L. No. 99-603.
- (e) *Public Work*. Public Work shall mean a Public Work as defined in RCW 39.04.010.

(f) *Quotation.* A method of obtaining bids for a public work under the provisions of RCW 39.04.155(3).

(g) *Service Provider.* Service Provider shall mean a person or entity rendering professional services such as accounting, architecture, archaeology, computer hardware and software services, engineering, investigating, landscape architecture, legal services, planning, land surveying, and all other consulting services.

(h) *Unauthorized Alien.* A person who is unauthorized to be lawfully employed in the United States, pursuant to 8 U.S.C. § 1324a(b)(3). The City shall not conclude that a person is an unauthorized alien unless and until an authorized representative of the City has verified with the federal government, pursuant to 8 U.S.C. § 1373(c), that the person is an unauthorized alien.

2.98.030 Application of Requirements.

(a) As a condition for the award of any contract after January 1, 2012, the Contractor shall enroll in E-Verify and thereafter shall provide the City documentation affirming its enrollment and participation in the program. The Contractor shall be required to continue its participation in the program throughout the course of its contract with the City.

(b) As a condition for the award or renewal of any contract made after January 1, 2012, the Contractor shall provide documentation affirming its enrollment and participation in the E-Verify program prior to the award of said contract. The Contractor shall continue its participation in E-Verify throughout the term of its business relationship with the City.

(c) The city shall include specific written notice in a contract Call for Bids that Contractors are required to enroll in the E-Verify program pursuant to subsection (a) above. Contractors are exempt from subsection (a) if they received Call for Bids not containing such notice.

(d) *Exceptions.* Notwithstanding any other provision herein, this Chapter shall not apply to service providers, consultants, quotations, equipment and material suppliers, or work performed in response to an emergency.

2.98.040 Enforcement of Contract Terms.

(a) The City Administrator or designee shall adopt procedures necessary to implement and enforce the requirements of this chapter into all contracts into which the City has entered with Contractors.

(b) The City shall suspend a contract with any Contractor that the United States Attorney General or the Secretary of Homeland Security has found to have been in violation of 8 U.S.C. § 1324a.

(c) The City may terminate a contract with any business entity or Contractor that fails to correct a violation of 8 U.S.C. § 1324a within 30 business days after notification of the violation by the United States Attorney General or Homeland Security.

(d) The City shall not suspend the contract of any Contractor if, prior to the date of the violation, the Contractor had verified the work authorization of the alleged unlawful workers using the E-Verify program and demonstrated the same to the City.

(e) Every contract entered into by the City shall provide that the suspension for noncompliance with this chapter shall terminate one business day after a legal representative of the Contractor submits, at a City office designated by the City Administrator, a declaration signed under penalty of perjury of the laws of the State, in the form provided by the City, stating that the violation of federal law has ended.

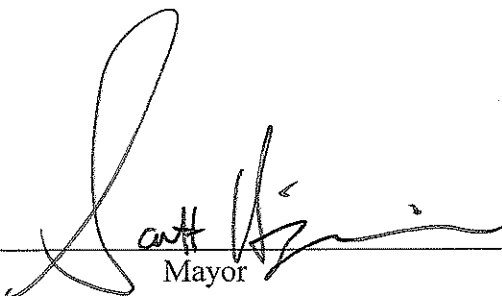
Section II

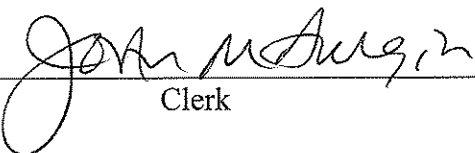
If any portion of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section III

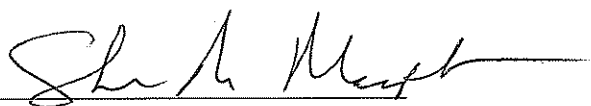
This Ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED BY the Council and APPROVED by the Mayor this 6th day of September 2011.

SIGNED: 
Mayor

ATTEST: 
Clerk

APPROVED as to form:


City Attorney