

ORDINANCE NO. 57

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ADDING NEW CHAPTER 3.09 TO THE WILDOMAR MUNICIPAL
CODE PERTAINING TO THE E-VERIFY PROGRAM.**

THE CITY COUNCIL OF THE CITY OF WILDOMAR ORDAINS AS FOLLOWS:

SECTION 1. Chapter 3.09 is hereby added to the Wildomar Municipal Code as follows:

3.09 E-VERIFY REQUIRMENTS

- 3.09.010 Definitions
- 3.09.020 E-Verify Requirements
- 3.09.030 Use of Subcontractors
- 3.09.040 Notice of E-Verify Requirements
- 3.09.050 Verification of Employment Eligibility

§ 3.09.010 Definitions

"Business Entity" means any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation or gain, benefit, advantage, or livelihood, whether for profit or not for profit with the City. The term business entity shall include, but not be limited to partnerships, corporations, contractors, and subcontractors doing business with the City.

"Contractor" means a person, employer, or business entity that enters into a contract or an agreement with the City to perform any service or work or to provide a certain product in exchange for valuable consideration. The term "contractor" shall not include government agencies.

"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 IVY 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.

"Unauthorized Alien" means a person who is unauthorized to be lawfully employed in the United States, pursuant to 8 U.S.C. § 1373(c) that the person is an unauthorized alien.

§ 3.09.020 E-Verify Requirements

A. As a condition for the award of any City contract for public works or as a condition of the City entering into any other City contract for consulting or professional

services the Contractor shall enroll in the E-Verify program, or its successor, and thereafter shall provide the City documentation affirming its enrollment and participation in the program.

B. Contractors shall be required to continue participation in the E-Verify program throughout the term of their contractual agreement with the City.

C. Nothing provided in this chapter shall relieve Contractors otherwise subject to federal E-Verify requirements from complying with the requirements of federal law.

§ 3.09.030 Use of Subcontractors

If a Contractor uses a subcontractor, the subcontractor shall, as a condition of contract, certify to the Contractor in a manner that does not violate federal law that the subcontractor has registered and is participating in the E-Verify program and will not knowingly employ or contract with an unauthorized alien.

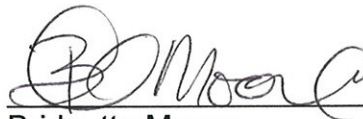
§ 3.09.040 Notice of E-Verify Requirements

The City shall include specific written notice in all requests for bids or proposals subject to this section that Contractors may be required to enroll in the E-Verify program as a condition of award. Contractors are not exempt from this section if they received requests for bids or proposals not containing such notice.

§ 3.09.050 Verification of Employment Eligibility

A Contractor shall maintain records sufficient to establish that it has complied with the requirements set for this chapter with respect to each employee and shall retain such records for the duration of such employee's employment. Such records shall be maintained for a longer period of time if required by an applicable state or federal law, regulation or rule. These records shall be immediately made available to the City for inspection and audit upon written notice to the Contractor by the City.

PASSED, APPROVED, AND ADOPTED this 8th day of December, 2010.



Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:



Julie Hayward Biggs
City Attorney



Debbie A. Lee, CMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)


I, Debbie A. Lee, CMC, City Clerk of the City of Wildomar, California, do hereby certify that the foregoing Ordinance No. 57 was introduced at a regular meeting of the City Council of the City of Wildomar, California, on November 10, 2010, and was duly adopted at a regular meeting held on December 8, 2010, by the City Council of the City of Wildomar, California, by the following vote:

AYES: Mayor Moore, Mayor Pro Tem Swanson, Council Members Benoit, Cashman, Walker

NOES: None

ABSTAIN: None

ABSENT: None



Debbie A. Lee, CMC
City Clerk
City of Wildomar