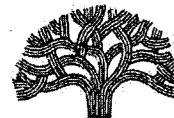


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Councilmembers Abel Guillén & Dan Kalb

CITY OF OAKLAND

CITY HALL - ONE FRANK H. OGAWA PLAZA, 2ND FLOOR - OAKLAND - CALIFORNIA 94612

Agenda Memorandum

To: Rules & Legislation Committee

From: President Pro Tempore Abel Guillén and Councilmember Dan Kalb

Date: June 1, 2017

Subject: Support of SB 30: California-Mexico border: federally funded infrastructure

Colleagues on the City Council and Members of the Public,

With our Resolution of Support for SB 30 (Lara), we are submitting the attached text of the bill.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Abel Guillén", located below the "Respectfully submitted," text.

Abel Guillén, President Pro Tempore

A handwritten signature in black ink, appearing to read "Dan Kalb", located below the signature of Abel Guillén.

Dan Kalb, Councilmember

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AMENDED IN SENATE MAY 26, 2017

AMENDED IN SENATE APRIL 17, 2017

AMENDED IN SENATE FEBRUARY 16, 2017

SENATE BILL

No. 30

Introduced by Senator Lara

December 5, 2016

An act to add Chapter 15 (commencing with Section 8900) to Division 1 of Title 2 of the Government Code, and to amend Section 1103 of the Public Contract Code, relating to infrastructure.

LEGISLATIVE COUNSEL'S DIGEST

SB 30, as amended, Lara. California-Mexico border: federally funded infrastructure.

Existing law establishes the border between the United States and Mexico, which includes the southern border of California.

This bill would make findings and declarations related to a wall on the border between California and Mexico.

This bill would prohibit the state, commencing January 1, 2018, from awarding or renewing any contract with any person, as defined, that at the time of bid or proposal for a new contract or renewal of an existing contract is providing or has provided *on or after January 1, 2018*, goods or services to the federal government for the construction of a federally funded wall, fence, or other barrier along California's southern border. *border, as defined.*

Existing law defines "responsible bidder" for the purposes of public works contracts as a bidder who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the public works contract.

This bill would provide that, for purposes of contracts with the state, the term “responsible bidder” does not include a bidder who, at the time of the bid or proposal for a new contract or renewal of an existing contract, is providing or has provided goods or services *on or after January 1, 2018*, to the federal government for the construction of a federally funded wall, fence, or other barrier along California’s southern ~~border~~: *border, as defined*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 15 (commencing with Section 8900) is
2 added to Division 1 of Title 2 of the Government Code, to read:

3

4 CHAPTER 15. FEDERALLY FUNDED INFRASTRUCTURE ON THE
5 CALIFORNIA-MEXICO BORDER

6

7 8900. The Legislature finds and declares all of the following:

8 (a) California and Mexico share more than 130 miles of an
9 international border. The border region is home to tremendous
10 cultural history and economic commerce between the United States
11 and Mexico.

12 (b) In 2015, the value of California’s exports to Mexico was
13 twenty-six billion eight hundred million dollars (\$26,800,000,000),
14 making up 17.4 percent of the state’s total exports, and
15 approximately 177,000 California jobs are related to the
16 commercial relationship with Mexico. Commerce, tourism, and
17 foreign direct investment from Mexico support more than 200,000
18 jobs in California.

19 (c) California’s border region is also home to numerous
20 threatened and endangered species of plant and animal life,
21 including California’s official state amphibian, the California
22 red-legged frog, and the endangered arroyo toad.

23 (d) A recent binational agreement between the United States
24 and Mexico aims to address pollution, including sewage, waste
25 tires, and polluted stormwater, in the Tijuana River watershed.
26 The river flows through both California and Baja California,
27 impacting bird and wildlife habitat and water quality at local
28 beaches.

1 (e) A proposed border wall between California and Mexico
2 would do serious economic, social, and environmental harm to the
3 state.

4 8900.1. (a) ~~The~~ (1) *For purposes of this section, the term*
5 *“person,” as used in this section, “person” means any individual,*
6 *partnership, joint venture, or association or any other organization*
7 *or any combination thereof, whether situated within or outside the*
8 *state.*

9 (2) *For purposes of this section, the term “federally funded*
10 *wall, fence, or other barrier along California’s southern border”*
11 *does not include a port of entry.*

12 (b) Notwithstanding any other law, commencing January 1,
13 2018, the state shall not award or renew any contract with any
14 person that, at the time of bid or proposal for a new contract or
15 renewal of an existing contract, is providing or has provided goods
16 or services to the federal government for the construction of a
17 federally funded wall, fence, or other barrier along California’s
18 southern border. *This section shall not preclude the state from*
19 *awarding or renewing any contract with any person that has*
20 *provided goods or services to the federal government for the*
21 *construction of a federally funded wall, fence, or other barrier*
22 *along California’s southern border on or before December 31,*
23 *2017.*

24 SEC. 2. Section 1103 of the Public Contract Code is amended
25 to read:

26 1103. (a) “Responsible bidder,” as used in this part, means a
27 bidder who has demonstrated the attribute of trustworthiness, as
28 well as quality, fitness, capacity, and experience to satisfactorily
29 perform the public works contract.

30 The Legislature finds and declares that this section is declaratory
31 of existing law.

32 (b) (1) For purposes of a contract with the state, a “responsible
33 bidder” does not include a bidder who, at the time of the bid or
34 proposal for a new contract or renewal of an existing contract, is
35 providing or has provided goods or services to the federal
36 government for the construction of a federally funded wall, fence,
37 or other barrier along California’s southern border. *This subdivision*
38 *shall not exclude a bidder who has provided goods or services to*
39 *the federal government for the construction of a federally funded*

- 1 *wall, fence, or other barrier along California's southern border*
- 2 *on or before December 31, 2017.*
- 3 *(2) For purposes of this subdivision, the term "federally funded*
- 4 *wall, fence, or other barrier along California's southern border"*
- 5 *does not include a port of entry.*

FILED
OFFICE OF THE CITY CLERK
OAKLAND

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DRAFT

Approved as to Form and Legality

City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY PRESIDENT PRO TEMPORE ABEL GUILLÉN AND
COUNCILMEMBER DAN KALB

RESOLUTION IN SUPPORT OF SENATE BILL 30 (LARA) THAT WOULD PROHIBIT THE STATE FROM AWARDING OR RENEWING ANY CONTRACT WITH ANY PERSON WHO IS PROVIDING OR HAS PROVIDED ON OR AFTER JANUARY 1, 2018 GOODS OR SERVICES TO THE FEDERAL GOVERNMENT FOR THE CONSTRUCTION OF A FEDERALLY FUNDED WALL OR OTHER BARRIER ALONG CALIFORNIA'S SOUTHERN BORDER.

WHEREAS, President Donald J. Trump issued an Executive Order on January 25, 2017 titled "Border Security and Immigration Enforcement," and created heightened fear and insecurity among many immigrant communities in Oakland and across the nation; and

WHEREAS, Executive Order "Border Security and Immigration Enforcement" directs the Administration to prioritize construction of a U.S.-Mexico border wall, deportation of undocumented immigrants, and the withholding federal grant funding from cities and states that harbor undocumented immigrants; and

WHEREAS, Executive Order "Border Security and Immigration Enforcement" directs the Administration to prioritize the use of Federal lands and funding for the enforcement of border security and the construction of the border wall. Government estimates put the cost of the U.S.-Mexico wall at \$21.6 billion, which is significant funding that could be better used for other programs and services that serve, instead of threaten, our immigrant families such as affordable housing, infrastructure, and education; and

WHEREAS, Oakland has historically been and remains today a city of immigrants and refugees, with 27% of its residents being foreign born - 31 percent of whom were born in Mexico - and in all its forms, diversity provides a strong foundation of the City's economic vitality, cultural vibrancy and social character, and the Oakland City Council in the past has recognized the contributions of immigrant communities in the City and throughout California, noting that "California's economy depends heavily on immigrant labor" and that "Oakland has a large immigrant community whose investments have contributed to the revitalization of the City's neighborhoods;" and

WHEREAS, approximately one in every 10 workers in California is an undocumented immigrant, contributing \$130 billion annually to California's gross domestic product; and

WHEREAS, it is estimated that 13% of California's K-12 school children and 35% of children living in East Oakland have at least one undocumented parent; and, undocumented immigrants in East Oakland are deeply rooted in the community, having resided in the United States for an average of nine years; and

WHEREAS, the City of Oakland is committed to the fair and just treatment of immigrants, regardless of their ethnicity, religion or place of origin, and the City has been on record since July 8, 1986 as a City of Refuge when it adopted Resolution No. 63950, promising to protect undocumented immigrants by not assisting in their prosecution, detainment and deportation based on the enforcement of federal immigration law; and

WHEREAS, the wall along the U.S.-Mexico border will make local law enforcement efforts to build the public trust essential for effective community policing more difficult as indicated by a 2013 study of Latinos in four major cities which found that 70% of undocumented immigrants - and 44% of all Latinos - are less likely to contact the police if they were victims of a crime for fear that they will be asked about their immigration status, and 67% of undocumented immigrants and 45% of all Latinos are less likely to voluntarily offer information about, or report, crimes because of the same fear; and

WHEREAS, research has shown that the removal of adult family members through immigration enforcement is associated with higher rates of poverty and homelessness; and, children with parents who are detained and face deportation exhibited significant negative behavioral and emotional changes, which leads to increased costs in public health insurance programs, foster care services, public schools due to increased absenteeism, and other city and county social assistance programs; now therefore, be it

RESOLVED: That the Oakland City Council hereby endorses SB 30 and urges the California State Legislature and Governor Jerry Brown to support its enactment into law.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN, AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California