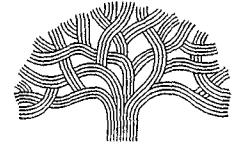


17 MAR -2 PM 3:27

CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Abel J. Guillén  
Councilmember - District 2

(510) 238-7002  
FAX (510) 238-6910  
TDD (510) 839-6451

Date: March 2, 2017

To: Members of City Council

From: Council President Pro Tem Abel Guillen, Council President Larry Reid, Councilmember Lynette Gibson McElhaney and Councilmember Noel Gallo

Re: RESOLUTION DENOUNCING THE PRESIDENTIAL EXECUTIVE ORDER TO BUILD A WALL ALONG THE U.S.-MEXICO BORDER, ESTABLISHING A POLICY THAT REQUIRES THE CITY TO REFRAIN FROM ENTERING INTO ANY NEW OR AMENDED CONTRACTS TO PURCHASE GOODS, MATERIALS, LABOR OR PROFESSIONAL, TECHNICAL, SCIENTIFIC, FINANCIAL OR ANY OTHER SERVICES FROM ANY BUSINESS THAT PROVIDES SUCH GOODS, MATERIALS, LABOR OR SERVICES IN SUPPORT OF THE BUILDING OF SAID BORDER WALL, AND DIRECTING THE CITY ADMINISTRATOR TO RETURN WITH AN ORDINANCE TO ESTABLISH THE POLICY BY LAW

---

## RECOMMENDATION

Council President Pro Tem Abel Guillén, Council President Larry Reid, Councilmember Lynette Gibson McElhaney, and Councilmember Noel Gallo recommend that the Oakland City Council adopt a resolution directing the City Administrator – in instances where there is no significant additional cost, to be defined in regulations, or conflict with law – to refrain from entering into new or amended contracts to purchase professional, technical, scientific or financial services, goods, construction labor and materials or other services, or supplies from businesses that enter into contracts to provide such services, goods, materials or supplies to build the U.S.-Mexico border wall.

## SUMMARY

This resolution denounces the January 25, 2017 Executive Order titled “Border Security and Immigration Enforcement,” which has created heightened fear and insecurity among many immigrant communities in Oakland and across the nation. Issued by President Trump, this Executive Order directs the Administration to prioritize construction of a U.S.-Mexico border wall, deportation of undocumented immigrants, and the withholding of federal grant funding from cities and states that harbor undocumented immigrants.

The U.S. Department of Homeland Security, Customs and Border Protection has since issued a notice indicating it intends to issue a solicitation on or about March 6, 2017, “for the design and build of several prototype wall structures in the vicinity of the United States border with Mexico,” requiring submittal of “concept papers” by March 10, 2017, and submittal of responsive proposals by March 24, 2017

[https://www.fbo.gov/index?s=opportunity&mode=form&id=b8e1b2a6876519ca0aedd748e1e491cf&tab=core&\\_cview=0](https://www.fbo.gov/index?s=opportunity&mode=form&id=b8e1b2a6876519ca0aedd748e1e491cf&tab=core&_cview=0)).

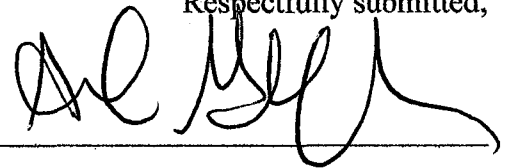
The construction of a wall along the U.S.-Mexico border is antithetical to the core principles and shared values of the Oakland community and our city government – as well as the founding and guiding principles of our nation. Oakland has historically been and remains today a city of immigrants and refugees, with 27% of its residents being foreign born – 31 percent of whom were born in Mexico. In all its forms, diversity provides a strong foundation of the City’s economic vitality, cultural vibrancy and social character. 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.”

This resolution is made in solidarity with other cities and states that are contemplating similar resolutions. It directs the City Administrator – in instances where there is no significant additional cost, to be defined in regulations, or conflict with law – to refrain from entering into new or amended contracts to purchase professional, technical, scientific or financial services, goods, construction labor and materials or other services, or supplies from businesses that enter into contracts to provide such services, goods, materials or supplies to build the U.S.-Mexico border wall. It also calls on CalPERS to divest from publicly traded businesses that provide goods or services in support of building the U.S.-Mexico wall and encourages Oakland citizens, businesses, churches, schools, organizations, associations and others in the city, as well as other cities, counties and other jurisdictions in the country to pass similar resolutions.

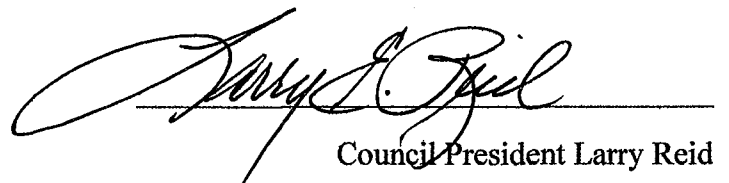
#### **ACTION REQUESTED OF THE CITY COUNCIL**

Adopt this resolution denouncing January 25, 2017, Executive Order titled “Border Security and Immigration Enforcement,” and directing the City Administrator – in instances where there is no significant additional cost, to be defined in regulations, or conflict with law – to refrain from entering into new or amended contracts to purchase professional, technical, scientific or financial services, goods, construction labor and materials or other services, or supplies from businesses that enter into contracts to provide such services, goods, materials or supplies to build the U.S.-Mexico border wall.

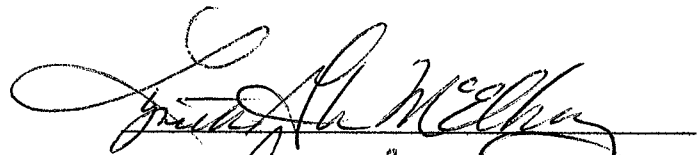
Respectfully submitted,



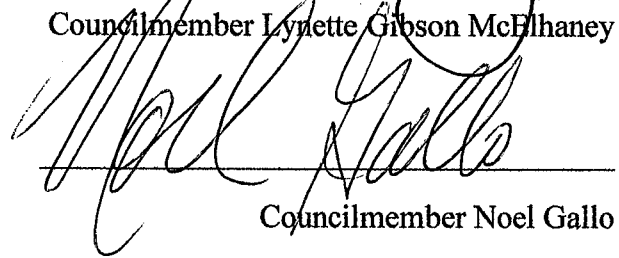
President Pro Tem and Councilmember Abel Guillén



Council President Larry Reid



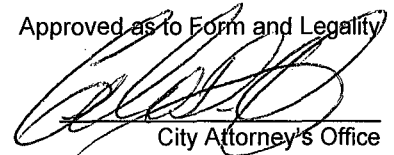
Councilmember Lynette Gibson McElhaney



Councilmember Noel Gallo



17 MAR -2 PM 3:27



City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

INTRODUCED BY PRESIDENT PRO TEM GUILLÉN, PRESIDENT REID,  
COUNCILMEMBER MCELHANEY, AND COUNCILMEMBER GALLO

---

**RESOLUTION DENOUNCING THE PRESIDENTIAL EXECUTIVE ORDER TO BUILD A WALL ALONG THE U.S.-MEXICO BORDER, ESTABLISHING A POLICY THAT REQUIRES THE CITY TO REFRAIN FROM ENTERING INTO ANY NEW OR AMENDED CONTRACTS TO PURCHASE GOODS, MATERIALS, LABOR OR PROFESSIONAL, TECHNICAL, SCIENTIFIC, FINANCIAL OR ANY OTHER SERVICES FROM ANY BUSINESS THAT PROVIDES SUCH GOODS, MATERIALS, LABOR OR SERVICES IN SUPPORT OF THE BUILDING OF SAID BORDER WALL, AND DIRECTING THE CITY ADMINISTRATOR TO RETURN WITH AN ORDINANCE TO ESTABLISH THE POLICY BY LAW**

**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**, The Dept. of Homeland Security, Customs and Border Protection (CBP) has issued a notice indicating it intends to issue a solicitation on or about March 6, 2017 "for the design and build of several prototype wall structures in the vicinity of the United States border with Mexico", requiring submittal of concept papers by March 10, 2017, and submittal of responsive proposals by March 24, 2017 ([https://www.fbo.gov/index?s=opportunity&mode=form&id=b8e1b2a6876519ca0aedd748e1e491cf&tab=core&\\_cview=0](https://www.fbo.gov/index?s=opportunity&mode=form&id=b8e1b2a6876519ca0aedd748e1e491cf&tab=core&_cview=0)); and

**WHEREAS**, the construction of a wall along the U.S.-Mexico border is antithetical to the core principles and shared values of the Oakland community and our city government – as well as the founding and guiding principles of our nation; 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**, 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**, according to the 2010-2012 American Community Survey, almost one-third (30%) of residents in the Bay Area region (2.1 million) are immigrants and about 20% of all immigrants in the Bay Area (430,000) are undocumented; 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**, immigrants make up 30% of the total household income in the San Francisco Bay Area and contribute more than \$39 billion (36%) of the region’s GDP, with about \$5.3 billion of that generated by undocumented immigrants; and

**WHEREAS**, in the Bay Area region, immigrants account for 37% of the labor force and undocumented immigrants are 7% of the total workforce; immigrants – many of them undocumented – make up 83% of electrical, electronics, and electromechanical assemblers, 87% agricultural-product graders and sorters, 78% of miscellaneous agricultural workers (including animal breeders), 84% of maids and housekeeping cleaners, 63% of grounds maintenance workers, 61% of first-line supervisors of housekeeping and janitorial workers, 59% of janitors and building cleaners, 87% of sewing machine operators, 81% of tailors, dressmakers, and sewers, 80% of food processing workers, 77% of miscellaneous metal and plastic workers, 70% of cooks, 69% of dishwashers, and 54% of chefs and head cooks; and

**WHEREAS**, immigrants are important to the entrepreneurial character of the Oakland community and are more likely to create their own jobs or be self-employed than native-born workers in the San Francisco Bay Area; and

**WHEREAS**, immigrants comprise 47% of all San Francisco Bay Area residents with a Ph.D degree; and

**WHEREAS**, in the San Francisco Bay Area, approximately 79% of non-citizen Latinos live in households with citizens and 62% of Asian non-citizens live in mixed-status households, and within Alameda County, more than 53% of children live with one or more foreign-born parent at home; 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**, 11,000 of Oakland Unified School District (OUSD) students are English language learners, which is 30% of the entire student body; and, more than 5,000 OUSD students are foreign-born, from countries that include Afghanistan, Burma, China, El Salvador, Eritrea, Ethiopia, Guatemala, Honduras, Mexico, Mongolia, Nepal, the Philippines, Vietnam and Yemen; 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:** The City of Oakland denounces Executive Order "Border Security and Immigration Enforcement" to build a wall on the U.S.-Mexico border; and that unless and until President Donald J. Trump rescinds this Order, the Oakland City Council, in its proprietary capacity, directs the City Administrator – in instances where

there is no significant additional cost, to be defined in regulations, or conflict with law – to refrain from entering into new or amended contracts to purchase professional, technical, scientific or financial services, goods, construction labor and materials or other services, or supplies from businesses that enter into contracts to provide such services, goods, materials or supplies to build the U.S.-Mexico border wall; and be it

**FURTHER RESOLVED:** That the “U.S.-Mexico wall” referenced herein shall mean any barrier(s), wall(s), fences(s) or other physical structures built along/near the United States – Mexico border that are intended to or do prevent persons from walking or otherwise moving across the United States – Mexico border that commence after the January 20, 2017 inauguration of President Donald J. Trump; and be it

**FURTHER RESOLVED:** That the application of this Resolution shall include, but not be limited to, construction, engineering and planning businesses information technology businesses and their subsidiaries, and extend to and include any and all financial institutions, subcontractors, resources/logistics, communications and public relations, surveillance and security, and other ancillary service providers related to construction of the U.S.-Mexico wall, engaged by contractors which design and/or build the U.S.-Mexico wall; and be it

**FURTHER RESOLVED:** That current City of Oakland contracts with businesses that are contractually engaged to provide any services or such services or goods to build all or part the U.S.-Mexico wall, should not be renewed or otherwise extended; and be it

**FURTHER RESOLVED:** That the City Administrator is directed to return to the City Council with an ordinance establishing this policy by law no later than June 30, 2017, and to develop implementing regulations by which to determine bidder/proposer consultant/contractor compliance with the policy stated herein; and be it

**FURTHER RESOLVED:** That the Oakland City Council encourages citizens, businesses, churches, school, organizations, associations, trade associations, labor unions and others in the City, to refrain from entering into new or amended contracts to purchase goods or services from businesses that provide goods or services in support of building the U.S.-Mexico wall; and be it

**FURTHER RESOLVED:** That the City of Oakland calls on CalPERS to divest from publicly traded businesses that provide goods or services in support of building the U.S.-Mexico wall; and be it

**FURTHER RESOLVED:** That the City of Oakland calls on cities, counties and other jurisdictions throughout the country to adopt a similar policy denouncing the construction of the U.S.-Mexico wall and calling for the refrain from entering into new or amended contracts to purchase goods or service from businesses that provide goods or services in support of building the U.S.-Mexico wall.

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

2067987v2