

ORDINANCE NO. _____

An ordinance adding Article 24 to Chapter 1, Division 10 of the Los Angeles Administrative Code requiring any company doing business with the City to disclose all contracts, bids or proposals to provide goods or services for the design, construction, operation or maintenance of a federally funded wall, fence or other barrier along the border between the United States and Mexico.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Article 24 is added to Chapter 1, Division 10 of the Los Angeles Administrative Code to read as follows:

CHAPTER 1, ARTICLE 24

DISCLOSURE OF BORDER WALL CONTRACTING

Sec. 10.50. Legislative Findings.

Today, approximately 1.5 million immigrants live in the City of Los Angeles, about 38% of the City's total population. Los Angeles is a great city because of the successful integration of immigrants into its civic, social, cultural and economic fabric. Our communities are safer when there is a strong trust between immigrant communities and government.

On January 25, 2017, President Donald J. Trump issued Executive Order No. 13,767 titled, "Border Security and Immigration Enforcement Improvements." 82 Federal Register 8793. The Executive Order directs the Department of Homeland Security to take all steps to immediately plan, design and construct a physical wall along the southern border between the United States and Mexico, using materials and technology to achieve complete operational control of the southern border. The City recognizes the harm fulfilling the Executive Order would cause to its residents, immigrant and non-immigrant alike.

The City of Los Angeles strives to lift families up, not tear them apart. The City's goal is to keep families and communities safe, not cultivate fear based on immigration status. The proposed Border Wall has the potential to divide our nation and the City of Los Angeles along racial, religious and immigration status, which is the antithesis of our shared values. In addition, the proposed Border Wall has created anxiety and stress within hard-working immigrant communities in the City where many fear they will be removed from their families and livelihoods.

In support of this legislative act and to promote the ideals the act embraces, this ordinance requires those seeking to do business with the City to fully and accurately disclose any and all contracts, bids or proposals to provide goods or services for the

design, construction, operation or maintenance of the Trump Administration's proposed Border Wall.

Sec. 10.50.1. Definitions.

The following definitions shall apply to this article:

A. **"Awarding Authority"** means the governing body, board, officer or employee of the City authorized to award a Contract and shall include a department which has control of its own funds if the department adopts policies consonant with the provisions of this article.

B. **"Border Wall"** means a contiguous, physical wall or other similarly secure, contiguous barrier along the land border between the United States and Mexico, including all points of entry, as well as related improvements to gain operational control along such land border, including but not limited to, roads, lighting, cameras and sensors.

C. **"Border Wall Bid"** means any bid or proposal submitted on or after March 17, 2017, in response to any solicitation or request for proposal related to a Border Wall Contract.

D. **"Border Wall Contract"** means a contract with the federal government or a contractor of the federal government entered into on or after March 17, 2017, to provide goods or services for the design, construction, operation or maintenance of the Border Wall, including any prototypes of the Border Wall. A Border Wall Contract does not include an Indefinite Delivery/ Indefinite Quantity Contract that took effect on or before March 17, 2017.

E. **"City"** means the City of Los Angeles and all Awarding Authorities thereof.

F. **"Contract"** means any agreement, franchise, lease or concession, including an agreement for any occasional professional or technical personal services, for the performance of any work or service, the provision of any materials or supplies or the rendering of any service to the City of Los Angeles, which is awarded or entered into with or on behalf of the City of Los Angeles or any Awarding Authority of the City.

G. **"Designated Administrative Agency (DAA)"** means the Department of Public Works, Bureau of Contract Administration, which shall bear administrative responsibilities under this article.

H. **"Indefinite Delivery/Indefinite Quantity Contract"** means a type of contract that provides for an indefinite quantity of supplies or services over a fixed period of time.

I. "Person" means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association or other entity that may enter into a Contract.

Sec. 10.50.2. Disclosure Requirement.

No Contract shall be awarded to any Person who has failed to complete fully and accurately an affidavit listing all Border Wall Bids and Border Wall Contracts. The Awarding Authority may terminate a Contract if at any time it determines a Person failed to fully and accurately complete the affidavit and disclose all Border Wall Bids and Border Wall Contracts.

Sec. 10.50.3. Exceptions.

This article shall not be applicable to the following Contracts:

A. Contracts for the investment of:

- (1) City trust moneys or bond proceeds;
- (2) pension funds;
- (3) indentures, security enhancement agreements for City tax-exempt and taxable financings;
- (4) deposits of City surplus funds in financial institutions;
- (5) the investment of City moneys in securities permitted under the California State Government Code and/or the City's investment policy;
- (6) investment agreements;
- (7) repurchase agreements;
- (8) City moneys invested in United States government securities; and
- (9) Contracts involving City moneys in which the Treasurer or the City Administrative Officer finds that the City will incur a financial loss or forego a financial benefit, and which in the opinion of the Treasurer or the City Administrative Officer would violate his or her fiduciary duties.

B. Grant funded Contracts if the application of this article would violate or be inconsistent with the terms or conditions of a grant or grant Contract with an agency of the United States, the State of California or the instruction of an

authorized representative of any of those agencies with respect to any grant or grant Contract.

C. Contracts with a governmental entity such as the United States of America, the State of California, a county, city or public agency of one of these entities, or a public or quasi-public corporation located in the United States and declared by law to have a public status.

D. Contracts awarded on the basis of exigent circumstances whenever an Awarding Authority finds that the City would suffer a financial loss or that City operations would be adversely impacted unless exempted from the provisions of this article. This finding must be approved by the DAA prior to Contract execution.

E. Contracts for goods covered under a United States patent and only available from a single source.

F. Contracts for repairs, alterations, work or improvements declared in writing by the Awarding Authority to be of urgent necessity for the preservation of life, health or property. The declaration shall give the reasons for the urgent necessity and must be approved by the Council or its designee.

G. Contracts entered into during time of war or national, state or local emergency declared in accordance with federal, state or local law, where the Council adopts a resolution by two-thirds vote and is approved by the Mayor, the suspension of any or all the restrictions of Section 371 of the Los Angeles City Charter or their applicability to the Awarding Authority.

H. Contracts for equipment repairs or parts obtained from the manufacturer of the equipment or its exclusive agent.

Sec. 10.50.4. Administration.

The DAA shall administer the requirements of this article. The DAA shall develop an affidavit to be used by the Awarding Authority. The DAA shall promulgate rules and regulations consistent with this article for the implementation of the provisions of this article.

Sec. 10.50.5. Application of this Article.

The provision of this article shall apply to all Contracts and amendments to Contracts entered on or after March 17, 2017.

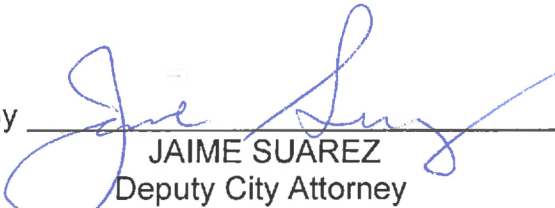
Sec. 10.50.6. Severability.

If any part or provision of this article, including, but not limited to, a section, subsection, paragraph, sentence, phrase or word, or the application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this article. The City Council hereby declares that it would have adopted this article and each and every section, subsection, paragraph, sentence, phrase and word thereof not declared invalid or unconstitutional, without regard to whether any portion of this article would be subsequently declared invalid or unconstitutional.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
JAIME SUAREZ
Deputy City Attorney

Date 5/09/2018

File No. 17-0536

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I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____