

RESOLUTION NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION WAIVING THE REQUEST FOR PROPOSALS PROCESS AND
AUTHORIZING AN AGREEMENT WITH LEGAL AID SOCIETY OF SAN MATEO
COUNTY TO PROVIDE REMOVAL DEFENSE LEGAL SERVICES SUPPORTING
IMMIGRANT RESIDENTS OF SAN MATEO COUNTY FOR THE TERM OF
SEPTEMBER 1, 2019 THROUGH JUNE 30, 2020, IN AN AMOUNT NOT TO EXCEED
\$662,783**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, according to the 2011-2015 American Community Survey, a third of San Mateo County residents are foreign born and many of these residents have children who are United States citizens; and

WHEREAS, according to this same survey, of the more than 250,000 foreign-born residents in San Mateo County, more than half are naturalized United States citizens; and

WHEREAS, the Migration Policy Institute estimates that of the remaining 114,000 foreign-born San Mateo County residents who are not United States citizens, approximately half are lawful permanent residents or have visas, and the other half are unauthorized immigrants; and

WHEREAS, of these 57,000 unauthorized residents, more than half have lived in the United States for more than 10 years; and

WHEREAS, orders from the federal executive branch have expanded enforcement priorities for Immigration and Customs Enforcement, which has led to a dramatic increase in the arrests of immigrants; and

WHEREAS, current conditions, including on-going rhetoric from national leaders and threatened and actual actions by federal authorities targeting immigrants throughout the United States, including those in our San Mateo County communities, have created fear and uncertainty among the County's immigrant population and threaten the well-being and stability of our communities; and

WHEREAS, this Board is aware that a significant portion of the immigrants with a connection to San Mateo County who find themselves in removal proceedings before the Executive Office for Immigration Review lack the means to retain counsel to assist them in these critical proceedings; and

WHEREAS, numerous authorities, including, for example, the American Immigration Council, in its September 2016 Special Report, *Access to Counsel in Immigration Court*, have concluded that immigrants with counsel in immigration court fare better, on average, at every stage of court proceedings; and

WHEREAS, these better results in cases in which immigrants are represented by counsel include a higher incidence of being released from custody when the immigrant is in custody; and a higher rate of applying for and obtaining relief to which the immigrant is entitled; and

WHEREAS, this Board's view is that the welfare of the community is best served when immigrants with linkages to San Mateo County who find themselves in

removal proceedings are able to apply for and pursue relief from removal to which they may be entitled and this Board believes that it is appropriate to increase the ability of such immigrants who otherwise lack financial means to access such assistance from counsel; and

WHEREAS, pursuant to Resolution No. 076150 of this Board, the County and the Legal Aid Society of San Mateo County entered into an agreement pursuant to which the Legal Aid Society of San Mateo County and subcontracted non-profit legal services agencies have provided legal representation of immigrants living in San Mateo County in removal actions; urgent legal assistance to individuals referred by the San Mateo County Rapid Response Hotline; and coordination of the San Mateo County Rapid Response Network for the term of September 1, 2018 through August 31, 2019 for an amount not to exceed \$764,750; and

WHEREAS, this Board has determined that, in light of the continuing need for such services, given the existing climate, and given that the Legal Aid Society of San Mateo County is willing to enter into an agreement with the County of San Mateo pursuant to which the Legal Aid Society of San Mateo County and its subcontracted partner agencies will provide immigration removal legal defense for at least one hundred and fifty immigrants who reside in San Mateo County who could not otherwise afford such legal services for the period of September 1, 2019 through June 30, 2020 for an amount not to exceed \$662,783; and

WHEREAS, the Board has been presented with a form of such agreement, has considered it as to form and content, and desires to enter into it; and

WHEREAS, the Legal Aid Society of San Mateo County and its sub-contracted partner agencies have familiarity with the legal needs of San Mateo County residents, long experience working with these populations, and the ability to start providing these services and, therefore, the best interest of the County could be served without the necessity of requests for proposals in this case.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the requirement of a request for proposals is waived and the President of the Board of Supervisors be and is hereby authorized and directed to execute said agreement for and on behalf of the County of San Mateo, and the Clerk of this Board shall attest the President's signature thereto.

BE IT FURTHER RESOLVED that the County Manager or the County Manager's designee is authorized to execute contract amendments which modify the County's maximum fiscal obligation by no more than \$25,000 (in aggregate), and/or modify the contract term and/or services so long as the modified term or services is/are within the current or revised fiscal provisions.

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