



AGENDA REPORT

TO: Honorable Mayor, Members of the City Council, and Members of the Public

FROM: Council President Pro Tempore Noel Gallo

SUBJECT: Informational Report Concerning Oakland Sanctuary City Ordinance

DATE: March 6, 2025

RECOMMENDATION

Council President Pro Tempore Noel Gallo recommends that the Oakland City Council Accepts This Informational Report on Concerning Oakland's Sanctuary City Ordinance.

EXECUTIVE SUMMARY

In January 2019, the Oakland City Council adopted [Ordinance No. 13515 C.M.S.](#), known as the Oakland Sanctuary City Ordinance, reinforcing the city's commitment to prohibiting the use of city resources for federal immigration enforcement, except in cases of public safety emergencies or legal mandates.. In June 2019, the Council adopted [Ordinance No. 13540 C.M.S.](#), known as the Sanctuary City Contracting And Investment Ordinance, banning city contracts and investments with entities providing ICE or CBP with data brokerage, extreme vetting, or detention services unless no alternatives exist. It also mandates disclosure in contracting bids and encourages City employees to avoid investments in companies that contract with ICE or CBP. This informational report provides an overview of the City's current Sanctuary City Ordinance.

BACKGROUND

Oakland first declared itself a sanctuary city in 1986 to support its immigrant community. Over the years, the city has adopted several resolutions reaffirming its commitment to not cooperate with federal immigration enforcement and promote public safety and ensure everyone may receive appropriate City services. This stance is based on the understanding that federal immigration enforcement often targets individuals accused of civil violations, not criminal activities that pose significant public safety risks. The distinction between civil and criminal law enforcement has become increasingly blurred, especially with recent federal policies.

Recognizing President Donald Trump's actions since taking office, he has implemented several executive orders and policies aimed at overhauling U.S. immigration laws and enforcement. Notably, he signed Executive Order 14156, titled ["Protecting the Meaning and Value of](#)

[American Citizenship](#),"¹ which seeks to redefine the Fourteenth Amendment's Citizenship Clause. This order proposes ending birthright citizenship for children born in the U.S. to undocumented immigrants and legal immigrants temporarily present in the country, such as those on student, work, or tourist visas. The executive order specifies that these provisions would apply to individuals born 30 days after its issuance, effectively from February 19, 2025.

Additionally, President Trump signed the "[Laken Riley Act](#),"² mandating the detention of undocumented immigrants accused of non-violent crimes. This legislation aims to enhance immigration enforcement by ensuring that individuals with criminal allegations are detained during legal proceedings, thereby facilitating their potential deportation.

Furthermore, under the Trump administration, [Acting Department of Homeland Security Secretary Benjamin Huffman issued two directives aimed at strengthening border security and empowering law enforcement](#).³ The first directive rescinds the Biden administration's guidelines that restricted ICE and CBP enforcement actions in or near designated "sensitive" areas allowing expanded enforcement actions in sensitive zones—such as schools, hospitals, and places of worship—, deviating from previous policies that sought to limit ICE operations in areas where vulnerable populations should feel safe. The second directive curtails the broad use of humanitarian parole, restoring it to a case-by-case basis. As a result, ICE and CBP will phase out parole programs that do not align with legal requirements. This shift heightened fear within immigrant communities and eroded trust in local law enforcement and public institutions.

Due to the Trump administration's threats of mass deportations and plans to rescind long-standing federal policies, it is important to provide an informational report to City of Oakland employees and members of the public to understand Oakland's status as a City of Refuge and Sanctuary City. Oakland's Sanctuary City policies ensure that all—whether documented or undocumented—can access essential services such as schools, hospitals, and places of worship without fear of deportation. These policies play a vital role in promoting public safety, trust, and community cohesion.

LEGISLATIVE HISTORY

The following is a summary of the City of Oakland's key actions and resolutions related to the use of City funds and resources in the enforcement of federal immigration laws:

- In **July 1986**, the Oakland City Council adopted **Resolution No. 63950**, officially declaring Oakland a City of Refuge. The resolution specifically designated Oakland as a refuge for individuals fleeing political violence in Haiti, El Salvador, Guatemala, and South Africa noting that the City has "a diverse cultural heritage and multi-national population of which the City is proud." The City Council also passed a resolution approving the use of identification cards issued by Consular offices to be used by state agencies and local police as proper identification cards. This action was a response to

¹ [Protecting the Meaning and Value of American Citizenship 01.20.25 Executive Order \(whitehouse.gov\)](#)

² [President Trump Signs the Laken Riley Act into Law 01.29.25 \(dhs.gov\)](#)

³ [Department of Homeland Security Directives on Immigration Enforcement and Humanitarian Parole 01.21.25 \(dhs.gov\)](#)

apartheid and U.S.-backed civil wars that destabilized Central America, forcing many to seek safety in the United States.

- In **May 2007**, the Oakland City Council adopted [Resolution No. 80584](#), which amended the City of Refuge policy so that it applies to non-cooperation with federal immigration enforcement in regards to any undocumented immigrants, regardless of their country of origin or reasons for migration. This resolution called upon the federal government to impose a moratorium on immigration raids and to adopt fair, comprehensive, and humane immigration reforms. It reaffirmed Oakland's status as a City of Refuge and established a policy against local enforcement of civil immigration laws, permitting cooperation with federal agents only in situations involving public safety and serious crimes.
- In **May 2008**, the Oakland City Council adopted [Resolution No. 81310](#), denouncing the tactics used by U.S. Immigration and Customs Enforcement (ICE) to intimidate Oakland residents. The resolution specifically condemned ICE's practice of placing field agents, vehicles, and conducting surveillance at or near school campuses, citing the harmful impact on the school environment and the psychological well-being of children. It also called upon the federal government to impose a moratorium on these enforcement tactics. Furthermore, the resolution reaffirmed Oakland's declaration as a City of Refuge, for immigrants from all countries.
- In **November 2016**, the Oakland City Council adopted [Resolution No. 86498](#), reaffirming Oakland as a City of Refuge and denouncing immigration raids that intimidate immigrant communities. The resolution prohibited city employees, including the Oakland Police Department, from enforcing federal civil immigration laws or using city resources for immigration enforcement. However, it allowed cooperation with federal agencies in cases involving criminal activity and public safety, as required by law.
- In **July 2017**, the Oakland City Council passed [Resolution No. 86860](#), rescinding a prior agreement (Resolution No. 86156) that allowed certain Oakland Police Department (OPD) officers to serve as U.S. Customs Task Force Officers under ICE. The decision [followed recommendations from the Privacy Advisory Commission](#), citing concerns that ICE's enforcement tactics targeted non-criminal immigrants and conflicted with Oakland's status as a Sanctuary City. The resolution also directed the City Administrator to immediately terminate the agreement, emphasizing the harmful impact of ICE's presence on community trust and cooperation with local law enforcement.
- In **October 2017**, the Oakland City Council reviewed OPD's involvement in the August 16 HSI/ICE raid in West Oakland. The report detailed OPD's role, costs, and compliance with sanctuary policies, responding to concerns raised by the Privacy Advisory Commission. The City Council [approved a recommendation](#) requiring OPD to publish after-action reports within 15 days of any cooperation with ICE. These reports must include the date, location, officer involvement, costs, and non-confidential details of the operation to ensure transparency and compliance with Oakland's sanctuary policies.
- In **January 2018**, the Oakland City Council adopted [Resolution 87036](#), clarifying and reaffirming the City's policy on non-cooperation with ICE. The resolution states that OPD shall not provide law enforcement assistance, including traffic support, to ICE or any of its subdivisions in any capacity, except in response to a public safety emergency. If OPD assists in an ICE investigation, detention, arrest, targeted enforcement action, or any other operation, it must submit a written report to the Public Safety Committee at the

earliest opportunity. This resolution supplements and amends Resolutions 63950, 80584, and 86498, and its provisions take precedence in case of any conflicts. An additional motion as included directing staff to return to Council with an Ordinance that would codify this from a resolution.

- In **January 2019**, the Oakland City Council adopted [Ordinance 13515](#), the Oakland Sanctuary City Ordinance, amending Resolutions 63950, 80584, and 86498 to further strengthen the City's policy of non-cooperation with federal immigration agencies, based on Resolution 87036. This ordinance serves to codify Resolution 87036 as law and supplements previous resolutions. The ordinance prohibits OPD employees from providing law enforcement assistance, including traffic support, to ICE or any of its subdivisions, except in response to a public safety emergency related to an ICE action or when required by federal or state law. If OPD assists in an ICE investigation, detention, or arrest, it must submit a written report to the Public Safety Committee at the earliest opportunity.
- In **June 2019**, the Oakland City Council adopted [Ordinance 13540](#), the Sanctuary City Contracting and Investment Ordinance. This ordinance prohibits the City from contracting with any person or entity that provides ICE or U.S. Customs and Border Protection (CBP) with services related to data brokerage, extreme vetting, or detention facilities unless the City Council determines that no reasonable alternative exists. It also bars the City from investing in such companies and requires notices of these prohibitions in all Requests for Proposals (RFPs), Requests for Qualifications (RFQs), and contracting bids. Additionally, the ordinance mandates an annual enforcement report to the Privacy Advisory Commission and encourages City employees to avoid investing in companies that contract with ICE or CBP.

ANALYSIS AND POLICY ALTERNATIVES

The **Oakland Sanctuary City Ordinance (Ordinance No. 13515)**, adopted in January 2019, strengthens and codifies Oakland's longstanding commitment to being a City of Refuge by reinforcing prohibitions against local cooperation with federal immigration enforcement. The ordinance amends and incorporates the provisions of **Resolutions 63950, 80584, 86498, and 87036**, ensuring that local law enforcement and city employees do not participate in federal immigration enforcement activities except in specific, legally mandated circumstances.

The ordinance explicitly prohibits the Oakland Police Department (OPD) from providing law enforcement assistance, including traffic support, to U.S. Immigration and Customs Enforcement (ICE) or any of its subdivisions, except in response to a public safety emergency related to an ICE action or when required by federal or state law. If OPD does assist in any ICE investigation, detention, arrest, or enforcement action, it must submit a written report to the Public Safety Committee as soon as possible. By codifying Resolution 87036 into law, this ordinance makes non-cooperation with ICE a binding local policy, rather than just a resolution.

By codifying its sanctuary policies, Oakland has taken a firm legal stance against Oakland's participation in federal immigration enforcement. Ordinance No. 13515 ensures that city resources and law enforcement are not used for civil immigration enforcement, reinforcing Oakland's long-standing policies.

The **Sanctuary City Contracting and Investment Ordinance (Ordinance 13540)** was adopted in **June 2019** to prevent the City of Oakland from engaging with companies that support federal immigration enforcement. The ordinance amends Title 2 of the Oakland Municipal Code as follows:

1. **Prohibition on Contracting** – The City of Oakland is prohibited from entering into contracts with companies that provide ICE, CBP, or the Department of Health and Human Services Office of Refugee Resettlement (HHS/ORR) with services related to data collection, extreme vetting, or immigration detention facilities.
2. **Prohibition on Investments** – The City is barred from investing in companies that contract with ICE, CBP, or HHS/ORR for data collection or detention-related services.
3. **Employee Pension Plans** – The ordinance encourages the governing bodies of City employee pension plans to avoid investing in companies that contract with ICE, CBP, or HHS/ORR for the prohibited services.

The ordinance applies to contracts for professional services, construction, IT, banking, and cyber technology. It mandates that all requests for proposals (RFPs), requests for qualifications (RFQs), and bid solicitations include notice of these prohibitions. All City solicitations, including public works and construction bids, must include a notice of these prohibitions, ensuring that potential contractors are aware of the restrictions. Contractors seeking to work with the City must certify that they do not provide prohibited services to ICE, CBP, or HHS/ORR.

There are specific exceptions and waivers under which the City Council or City Administrator may approve contracts with prohibited companies. A waiver can be granted if no reasonable alternative vendor exists, if an emergency threatens public health or safety, if the cost difference makes alternative contracts impractical, or if a contractor cease prohibited activities before the ordinance takes effect.

To ensure enforcement and compliance, the City Administrator is responsible for monitoring and investigating any violations. Any breaches must be reported to the City Council, Mayor, and relevant city departments. If a company is deemed a prohibited contractor, it has the right to appeal the decision first to the City Administrator and, if necessary, to the City Council. Additionally, the City Administrator must provide annual enforcement reports to the Privacy Advisory Commission to ensure ongoing compliance.

FISCAL IMPACT

There is no fiscal impact identified in association with this report.

PUBLIC OUTREACH/INTEREST

Since the adoption of Oakland's Sanctuary City Ordinance, there have been changes in administration, council members, and city employees. This informational report serves to ensure that all city staff are aware of the City's current Sanctuary City policy. Additionally, it provides residents with clear information on the existing ordinance and Oakland's stance on immigration enforcement.

COORDINATION

The Council District Five Office worked alongside the City Attorney's Office and the City Administrator's Office in the drafting of this informational report.

SUSTAINABLE OPPORTUNITIES

Economic: This informational report does not require funding or the allocation of existing funds.

Environmental: This informational report has no impact or influence on the environment.

Social Equity: This report provides critical information to City of Oakland staff and residents regarding Oakland's Sanctuary City policies, fostering a more inclusive and equitable community.

ACTION REQUESTED OF THE CITY COUNCIL

Council President Pro Tempore Noel Gallo recommends that the Oakland City Council Accepts This Informational Report on Oakland's Sanctuary City Ordinance.

For questions regarding this report, please contact Josephine Guzman, District Director, at jguzman@oaklandca.gov.

Respectfully submitted,



Noel Gallo
Councilmember District 5