



CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY  
COUNCILMEMBER CHARLENE WANG AND COUNCILMEMBER NOEL GALLO

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**ORDINANCE: (1) REAFFIRMING THE CITY OF OAKLAND'S SANCTUARY CITY POLICY (COLLECTIVELY FOUND IN RESOLUTION NUMBERS 63950, 80584, 86498, 87036 CMS, AND ORDINANCE NUMBER 13515 CMS); (2) PROHIBITING THE USE OF CITY PROPERTY FOR NON-CITY PURPOSES; AND (3) CONSOLIDATING AND CODIFYING THESE PROVISIONS AS CHAPTERS OF THE OAKLAND MUNICIPAL CODE**

**WHEREAS**, the City of Oakland (City) is a city of immigrants and has a strong tradition of embracing and valuing diversity and respecting the civil and human rights of all residents regardless of their immigration status; and

**WHEREAS**, the City has been on record as a "City of Refuge" since July 8, 1986, when City Council adopted the City's first "Sanctuary City" type policy by approving Resolution No. 63950 CMS (Resolution 63950 or City of Refuge policy); and

**WHEREAS**, Resolution 63950 specifically designated Oakland as a refuge for individuals fleeing political violence in Haiti, El Salvador, Guatemala, and South Africa and noted that the City has "a diverse cultural heritage and multi-national population of which the City is proud;" and

**WHEREAS**, on May 15, 2007, City Council adopted Resolution No. 80584 (Resolution 80584). Resolution 80584 amended the City of Refuge policy so that it applies to non-cooperation with federal immigration enforcement in regard to any undocumented immigrant, regardless of their country of origin or reasons for migration. This resolution also called upon the federal government to impose a moratorium on immigration raids and to adopt fair, comprehensive, and humane immigration reforms; and

**WHEREAS**, Resolution 80584 provides in relevant part that in "... accordance with state and federal laws City employees including members of the Oakland Police Department shall not enforce federal civil immigration laws and shall not use city monies resources or personnel to investigate question detect or apprehend persons whose only violation is or may be

a civil violation of immigration law;” and

**WHEREAS**, the City reaffirmed its status as a Sanctuary City on November 29, 2016 when it adopted in Resolution No. 86498, which stated: “the City Council’s desire to ensure that its immigrant residents participate in civic life and daily activities without fear of being arrested or reported to the United States Immigration and Customs Enforcement (ICE) agency;” and

**WHEREAS**, on July 18, 2017, City Council adopted Resolution No. 86860 CMS (Resolution 86860), terminating a prior City Council approval (a March 2016 resolution adopted prior to the first term of President Trump) approving the Oakland Police Department (OPD) to enter into an agreement with Immigration and Customs Enforcement (ICE), for the purpose of designating OPD officers as United States Customs Title 19 Task Force Officers (TFOS), for investigation of gang and violent group crimes, drug and weapons smuggling, and human-trafficking crimes; and

**WHEREAS**, in terminating its prior approval of the agreement with ICE, Oakland City Council in Resolution 86860 declared that “the presence of ICE in Oakland is causing trauma in the community, and causing a chilling effect that weakens cooperation with local law enforcement;” and

**WHEREAS**, on January 16, 2018, City Council adopted Resolution 87036 which supplemented and amended Resolutions 63950, 80584, and 86498 in order to strengthen the policy of the City of Oakland not to cooperate with or provide support for ICE actions; and

**WHEREAS**, on January 22, 2019, the Oakland City Council adopted the City’s latest “Sanctuary City” policy--Ordinance Number 13515 CMS (Ordinance 13515), the Oakland Sanctuary City Ordinance. Ordinance 13515 amended Resolutions 63950, 80584, and 86498 Resolution 87036 as law and supplemented previous resolutions. Ordinance 13515: (1) 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 and (2) provides that 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; and

**WHEREAS**, while Ordinance 13515 consolidated the City’s various “Sanctuary City” policies into one policy, that policy was not adopted as a Chapter of the Oakland Municipal Code. Further, Ordinance 13515 did not incorporate the provisions of Resolution 80584 that apply to all City employees; and

**WHEREAS**, as of mid-2025, immigration detention of undocumented individuals in California has reached its highest levels in years and the detained population was reported at over 5,700 in October 2025, which is an 84% increase since the spring. In April 2025, the count stood at just above 3,100 people<sup>1</sup>; and

**WHEREAS**, Deportations from California have also sharply increased in that

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<sup>1</sup> TRAC Immigration Data/California Immigrant Policy Center; <https://tracreports.org/immigration/>

approximately 5,500 people were deported from the state in the first seven months of 2025, representing a 78% jump compared to the same period in 2024. Additionally, more than 900 individuals accepted “voluntary departure” in that period, rather than face deportation hearings. While about 70% of ICE arrests targeted those with criminal records, there has been a notable increase in detentions and deportations of those without criminal charges or convictions—over 1,500 people in the first half of 2025; and

**WHEREAS**, ICE arrests have especially surged at locations such as court proceedings (including an ICE detention of an individual at an Oakland courthouse occurred on September 15, 2025, inside the Wiley Manuel Courthouse in Oakland) and check-ins, which has led to expedited removals without full hearings; and

**WHEREAS**, these actions have caused substantial disruption in California's immigrant communities, with effects ranging from school attendance drops to labor shortages and heightened community anxiety; and

**WHEREAS**, in early 2026, Mayor Barbara Lee issued executive orders establishing the "Protect the Town Task Force" and affirming that the Oakland Police Department (OPD) shall maintain complete operational independence from federal tactical units and shall not act at the direction of federal authorities; and

**WHEREAS**, OPD is committed to following the Sanctuary City Policy and parallel requirements pursuant to state law by refusing to assist in civil immigration enforcement; and

**WHEREAS**, the California Attorney General issued a Law Enforcement Guidance Statement on January 27, 2026, affirming that state and local law enforcement retain the primary authority and responsibility to investigate and prosecute potential violations of the California Penal Code, and specified that “where the facts warrant it, state or local prosecutors may file charges against federal agents or officers for violations of state criminal laws<sup>2</sup>.”; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them part of this Ordinance.

**SECTION 2.** The City Council explicitly reaffirms the City’s commitment as a Sanctuary City, by establishing a single Ordinance consolidating and codifying its Sanctuary City policies as a Chapter of the Oakland Municipal Code and with the intention to protect the civil and human rights of all residents in the City of Oakland. The policies embodied in this Ordinance shall control, and supersede, rescind, and replace all prior Sanctuary City resolutions and ordinances enacted by the City Council, which are Resolution No. 63950 C.M.S, Resolution No. 80584 C.M.S, Resolution No. 86498 C.M.S, Resolution No. 87036 C.M.S., and Ordinance No. 13515 C.M.S.

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<sup>2</sup> <https://oag.ca.gov/system/files/media/2026-dle-07.pdf>

**SECTION 3.** Oakland Municipal Code Chapter 2.21, the Oakland Sanctuary City Ordinance, is hereby added as Oakland Municipal Code Chapter, 2.21 as set forth below (chapter and section numbers and titles are indicated in **bold type**).

**Chapter 2.21 – The Oakland Sanctuary City Ordinance**

**2.21.010. Definitions.**

The following definitions apply to this chapter:

“OPD” means the City of Oakland Police Department.

“ICE” means any employee, member, agent, or representative of the federal Department of Immigration and Customs Enforcement.

**2.21.020. Provision of City Services**

The provision of City services is not contingent on citizenship status, unless required by law.

**2.21.030. Prohibition for all City Employees.**

That in accordance with state and federal laws, City employees shall not conduct federal civil immigration enforcement and shall not use city monies, resources, or personnel to investigate, question, detect, or apprehend persons whose only violation is or may be a civil violation of immigration law.

Further, City employees shall not collect or request information about immigration status for individuals receiving services unless required by law or authorized by the City Administrator.

**2.21.040. Additional Prohibitions for OPD Employees.**

- A. OPD employees shall not provide law enforcement assistance, including traffic support, to ICE, including any subdivision of ICE, in any capacity except to respond to a public safety emergency related to an ICE action or where assistance is required by Federal or State statute, regulation or court decision.
- B. In the event OPD assists in an ICE investigation, detention, arrest or any other operation, OPD shall explain the facts giving rise to its action in a written report to the Public Safety Committee at the earliest opportunity.
- C. Nothing in this Ordinance shall be construed so as to prohibit or restrict OPD from conducting crowd management provided such actions comply with established departmental policy, applicable state law, and binding court orders.

- D. Nothing in this Ordinance shall be construed so as to limit OPD's authority to investigate potential violations of California state law, including potential violations involving federal agents or officers.

**2.21.050. Public Information.**

A copy of this Ordinance shall be posted on the City's website.

**2.21.050. Administrative Regulations**

The City Administrator may promulgate and enforce rules and regulations, and issue clarifications and interpretations of the requirements provided above, consistent with and necessary for the implementation of this Chapter.

**SECTION 4.** Oakland Municipal Code Chapter 2.49, is hereby added as set forth below (chapter and section numbers and titles are indicated in **bold type**).

**Chapter 2.49 – USE OF CITY PROPERTY**

**2.49.010. General Rule**

- A. No person or entity may use real and personal property belonging to, or subject to the control of, any City department or City official (hereinafter "the City") unless the use advances or promotes public programs or other purposes authorized by the City and the City has-authorized the use.
- B. No City official, employee, or department shall authorize the use of any real or personal property subject to the control or jurisdiction of the City if the use will disrupt City operations or discourage access to City services, unless the use furthers a City purpose or other use authorized by the City.
- C. The use of real or personal property for criminal activity or to assist in the enforcement of Federal immigration law are not City purposes.
- D. The use of real or personal property shall mean the right to occupy or use the property, to the exclusion of others, and shall include but not be limited to a license, permit to enter, use permit, lease, or other similar instrument. It shall not mean non-exclusive access or use of the City's property traditionally open and available to the public where that access or use is on the same terms as members of the public and does not disrupt City operations.
- E. Nothing in this Chapter shall be construed to interfere with or inhibit any exercise of the constitutionally protected rights of freedom of speech or assembly or to prevent the use of, or access to, City property as required by law.
- F. Nothing in this Chapter shall impair any lease, license, or other property interest or contractual restriction in existence prior to the effective date of this Ordinance.

**2.49.020. Administrative Regulations**

The City Administrator may promulgate and enforce rules and regulations, and issue clarifications and interpretations of the requirements provided above, consistent with and necessary for the implementation of this Chapter.

**SECTION 5. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional

**SECTION 6. Effective Date.** This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND  
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California



## NOTICE AND DIGEST

**ORDINANCE: (1) REAFFIRMING THE CITY OF OAKLAND'S SANCTUARY CITY POLICY (COLLECTIVELY FOUND IN RESOLUTION NUMBERS 63950, 80584, 86498, 87036 CMS, AND ORDINANCE NUMBER 13515 CMS); (2) PROHIBITING THE USE OF CITY PROPERTY FOR NON-CITY PURPOSES; AND (3) CONSOLIDATING AND CODIFYING THESE PROVISIONS AS CHAPTERS OF THE OAKLAND MUNICIPAL CODE**

This Ordinance consolidates several existing City policies (collectively relating to the City's Sanctuary City status) and codifies them as part of the Oakland Municipal Code. It also establishes rules concerning the how City property may be used and among other things, prohibits the use of City property for criminal activity or to provide assistance in the enforcement of Federal immigration law.