



# AGENDA REPORT



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TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Charlene Wang

DATE: February 12, 2026

**SUBJECT: 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**

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## RECOMMENDATION:

The City Administrator recommends that the City Council adopt an **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**

1. **Reaffirming** the City of Oakland’s status as a Sanctuary City.
2. **Codifying** and consolidating existing Sanctuary City resolutions and Ordinance No. 13515 into **Oakland Municipal Code (OMC) Chapter 2.21**.
3. **Establishing OMC Chapter 2.49**, prohibiting the use of City property for federal immigration enforcement or other non-City purposes.

## EXECUTIVE SUMMARY:

This Ordinance consolidates decades of City policy into the Oakland Municipal Code to ensure transparency, accessibility, and permanent legal standing. Amidst a 2025 surge in federal immigration enforcement—which saw an 84% increase in California detention rates and high-profile arrests at local courthouses—this action provides clear legal protections for Oakland residents. It explicitly prohibits the use of City resources, personnel, and property for federal civil immigration enforcement. It also clarifies the Sanctuary City policy to make clear that it does not limit OPD’s authority to investigate potential violations of California state law, including potential violations involving federal agents or officers.

## BACKGROUND:

Oakland has been a "City of Refuge" since 1986. While the City has passed numerous resolutions (63950, 80584, 86498, 87036) and an ordinance (13515) to protect immigrant communities, these policies remained scattered across various legislative records rather than being integrated into the OMC.

In 2025, federal enforcement intensified significantly. Data from TRAC Immigration indicates that by October 2025, over 5,700 individuals were detained in California, and deportations rose by 78% year-over-year. In response to these escalations and a September 2025 ICE arrest at the Wiley Manuel Courthouse, Mayor Barbara Lee issued Executive Orders in early 2026 to protect residents. This Ordinance codifies those emergency directives, ensuring that City policy remains steadfast regardless of changes in federal administration or mayoral leadership.

### **RACIAL AND EQUITY IMPACT:**

The aggressive escalation of ICE and CBP activity disproportionately impacts Oakland's Latino, Southeast Asian, and African immigrant populations. Beyond the direct threat of deportation, "chilling effects" have been documented in 2025, including:

- **Inequitable Access to Public Safety:** Immigrant communities often refrain from contacting the police when they are victims of or witnesses to a crime due to the fear that any interaction with law enforcement could lead to immigration enforcement. This creates a two-tiered system of justice where a significant portion of the population is functionally denied access to police services, leaving them more vulnerable to victimization and decreasing overall community safety.
- **Reduced School Attendance:** Families fearing arrests at drop-off points.
- **Public Health Risks:** Residents avoiding City clinics and emergency services.
- **Labor Shortages:** Economic disruption in sectors heavily supported by immigrant workers.

By codifying these protections, the City removes the ambiguity that leads to fear. This Ordinance promotes equity by ensuring that City services—from libraries and housing programs to public safety—are accessible to all residents without regard to citizenship status, except where strictly mandated by federal funding requirements (e.g., specific HUD programs).

### **FISCAL IMPACT:**

- **Operational Costs:** There is no direct fiscal impact for the consolidation of these policies. Administrative costs associated with updating the OMC and translating the ordinance into multiple languages (Spanish, Chinese, Vietnamese) will be absorbed within the existing City Clerk and City Administrator budgets.
- **Asset Protection:** By prohibiting the use of City property (OMC 2.49) for non-authorized purposes, the City avoids the wear-and-tear and potential liability associated with federal tactical staging on municipal grounds.
- **Federal Funding Risk:** While federal "Sanctuary" grant conditions are periodically litigated, current 2026 legal standards and California state law (SB 54) support the City's right to refuse the use of local resources for federal civil enforcement.

### **REFERENCES AND SOURCES:**

Municipal Ordinances

- **Oakland Municipal Code Chapter 2.21 (Proposed):** This ordinance codifies the [Oakland Sanctuary City Ordinance \(Ordinance No. 13515\)](#), originally adopted in January 2019, which prohibits OPD from assisting ICE except in public safety emergencies.
- **Oakland Municipal Code Chapter 2.23:** The [Sanctuary City Contracting and Investment Ordinance](#), which prohibits the City from contracting with or investing in companies that provide data or detention services to ICE or CBP.

#### 2026 Executive Actions

- **Executive Order 2026-01:** [Limiting the Use of City Property to City Purposes](#). Signed by Mayor Barbara Lee on January 29, 2026, this order explicitly prohibits the use of City-owned land as staging areas for federal civil immigration enforcement.
- **Executive Order 2026-02:** [Protect The Town – Response to DHS Surge](#). Establishes the "Protect the Town Task Force" and mandates OPD's operational independence from federal tactical units.

#### State Legal Guidance

**California DOJ Information Bulletin 2026-DLE-07:** [Investigations of Potential State Law Violations By Federal Agents](#). Issued by Attorney General Rob Bonta on January 27, 2026, affirming the authority of local law enforcement to investigate state criminal violations committed by federal officers.

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