



Office of the City Manager

INFORMATION CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council
From: Paul Buddenhagen, City Manager
Submitted by: Henry Oyekanmi, Director, Finance
Subject: Sanctuary City Contracting Compliance Report for FY 2024 and 2025

INTRODUCTION

City Council adopted ordinance 7,650-N.S., which is referred to as the Sanctuary City Contracting Ordinance (SCCO), in 2019. The SCCO states that the City shall not enter into a new, amended, or extended contract or agreement with any entity that provides United States Immigration and Customs Enforcement with data broker or extreme vetting services.

Section 13.105.040 requires the City Manager to report annually regarding compliance with section 13.105.030 for the prior year. Section 13.105.030 of the Berkeley Municipal Code details the prohibition on the use of City resources.

CURRENT SITUATION AND ITS EFFECTS

The Sanctuary City Contracting Ordinance establishes the City as a leader in social responsibility. The SCCO is a Strategic Plan Priority Project, advancing our goal to champion and demonstrate social and racial equity.

Report Requirements:

(1) detail with specificity the steps taken to ensure compliance with Section 13.105.030:

City solicitations include invitations for bids (IFB), requests for proposals (RFP), and requests for qualifications (RFQ). IFB, RFP, and RFQ public postings each contain the SCCO language. Signed compliance certificates are submitted with proposals and bid responses.

New and amended contracts and agreements include the Compliance Certificate attesting review of and compliance with the SCCO. Signed certificates are required as part of the City's contract documents.

(2) disclose any issues with compliance, including any violations or potential violations of this Ordinance:

During the review period, staff noted that Flock Safety operated a short-term pilot program with federal agencies. That arrangement ended shortly after the close of the reporting window of this report. The City confirmed the pilot has not resumed and that Flock does not have an active relationship of that nature. Aside from this past pilot, no potential issues were detected or brought forward during FY 2024 or FY 2025.

(3) Detail actions taken to cure any deficiencies with compliance:

The vendor confirmed prior to contracting and again after the City discovered the existence of the pilot that it does not provide United States Immigration and Customs Enforcement with data broker or extreme vetting services. The City has communicated in writing with the vendor that such action would be in violation of contract terms and would be considered a breach of contract. There were no compliance deficiencies uncovered that would require curing.

BACKGROUND

This report is for FY 2024 and FY 2025 which began July 1, 2023 through June 30, 2025 and is hereby submitted on December 2, 2025. It represents compliance issues with the Sanctuary City Contracting Ordinance discovered or brought forth during the 2 fiscal years.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

POSSIBLE FUTURE ACTION

This report will be submitted annually.

CONTACT PERSON

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