



CONSENT CALENDAR
April 15, 2025

To: Honorable Members of the City Council

From: Mayor Adena Ishii (Author), Councilmember Brent Blackaby (Co-Sponsor), Councilmember Cecilia Lunaparra (Co-Sponsor), Councilmember Terry Taplin (Co-Sponsor)

Subject: Referral to City Attorney for Sanctuary City Ordinance

RECOMMENDATION

Referral to the City Attorney to return to City Council in ~~May~~ June with an analysis and recommendation ~~to~~ regarding the codification of Berkeley's Sanctuary policies and protections through a city ordinance.

BACKGROUND

On January 21, 2025, the Berkeley City Council adopted a Resolution Reaffirming Berkeley As a Sanctuary City¹ and asking the City Clerk to send a copy to each City Department Director, requesting they inform their staff of the City's Sanctuary City standing and the City's policies and procedures regarding staff interaction with U.S. Immigration and Customs Enforcement (ICE) related to enforcement of federal immigration law. Additionally, the item gave a referral to the City Attorney to explore the possibility of pledging the City's legal support to help "sensitive sites"² defend themselves against civil litigation. The resolution called for the Mayor to create a taskforce of Councilmembers, Community Based Organizations (CBOs), immigration and civil rights organizations, faith leaders, legal experts, school and university officials, and community activists to continually assess threats to Berkeley's immigrant communities and participate in the process to codify Berkeley's Sanctuary protections through a city ordinance.

Several cities across California are moving beyond resolutions and adopting Sanctuary City ordinances to provide greater protection to the immigration community in their jurisdiction. For example, on March 11, 2025, the Richmond City Council passed the first reading of a Sanctuary City Ordinance³ "An Ordinance of the City Council of the City of Richmond Limiting the Use of City Resources for Federal Immigration Enforcement."⁴ and on November 19, 2024,⁵ the Los Angeles City Council

¹ See Resolution No. 71,658-N.S. "Reaffirming Berkeley As a Sanctuary City"

² Sensitive areas such as schools, after-school programs, hospitals, community health centers, and places of worship.

³ See: <https://pub-richmond.escribemeetings.com/filestream.ashx?DocumentId=56701>

⁴ See: <https://pub-richmond.escribemeetings.com/filestream.ashx?DocumentId=56704>

⁵ See: https://clkrep.lacity.org/onlinedocs/2023/23-0243_CAF_11-19-24.pdf

unanimously passed a City Ordinance to “Prohibit the Use of City Resources for Federal Immigration Enforcement”,⁶ codifying their Sanctuary policies into law.

Per the January 21, 2025, resolution, Mayor Ishii convened the first Sanctuary City Task Force meeting on February 20th. Over 30 representatives attended where they shared what work is currently happening in Berkeley to support the immigrant community and identified gaps and areas for increased coordination. The Task Force meets again on March 26th. The frequency of subsequent meetings will be determined then.

RATIONALE FOR RECOMMENDATION

Per the resolution, members of the Task Force have expressed a sense of urgency and interest in establishing a Berkeley Sanctuary City Ordinance that could provide additional protections to Berkeley’s immigrant community. The Berkeley City Attorney has a critical role in ensuring the research and development of a Sanctuary City Ordinance ~~is in alignment that aligns~~ with the City’s existing ordinances, resolutions, and policies and provides substantive protections for Berkeley’s immigrant community. An ordinance would exceed the action of a resolution, ~~as a resolution established a formal statement of opinion or decision for this matter, while~~ because an ordinance would codify the City’s position into the City’s municipal code, thus creating a permanent law⁷ regulating conduct and procedure.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

No identifiable environmental effects from taking this action.

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Attachments:

1. Resolution No. 71,658-N.S. “Reaffirming Berkeley As a Sanctuary City” dated January 21, 2025

⁶ See City of Los Angeles Ordinance No. 188441 (https://clkrep.lacity.org/onlinedocs/2023/23-0243_ord_%20188441_12-19-24.pdf)

⁷ Until another law changes.