



AGENDA REPORT

Finance Department

DATE:	May 6, 2025
TO:	Mayor Martinez and Members of the City Council
FROM:	Andrea Miller, Director of Finance Mubeen Qader, Deputy Director of Finance Ofelia Alvarez, Senior Buyer
Subject:	Update on the Sanctuary City Contracting and Investment Policy Ordinance
FINANCIAL IMPACT:	There is no fiscal impact to receive the update.
PREVIOUS COUNCIL ACTION:	None.
STATEMENT OF THE ISSUE:	On June 5, 2018, the City Council adopted a Sanctuary City Contracting and Investment Policy Ordinance No. 12-18 N.S.), which mandates that City staff provide a written update to the City Council. The ordinance allows exceptions when the City Council determines that no reasonable alternative exists, considering the availability of alternatives, the intent of the ordinance, and the quantifiable additional costs. To remain operable, and in compliance with interagency agreements, both the Fire Department and Police Department will need to continue to procure Motorola brand equipment.
RECOMMENDED ACTION:	RECEIVE a written update regarding the steps taken to ensure compliance with the Sanctuary City Contracting and Investment Policy Ordinance; and ADOPT a resolution waiving requirements of Ordinance No. 12-18 as applied to Motorola Solutions, as no reasonable alternative exists – Finance Department (Andrea Miller/ Mubeen Qader/ Ofelia Alvarez 510-620-6699).

DISCUSSION:

As a Sanctuary City, the City of Richmond is committed to protecting all residents of our community. The goal of the adopted ordinance is to prohibit the City from contracting with any person or entity that provides the United States Immigration and Customs Enforcement (ICE) with any "Data Broker", "Extreme Vetting" services unless the City Council makes a specific determination that no reasonable alternative exists. The ordinance also prohibits the City from investing in any of these companies and requires the City to include notice of these prohibitions in any Request for Proposals (RFPs), Requests for Qualifications (RFQs), and any construction or other contracting bids. The ordinance also requires that the City provide an annual report to the City Council on its enforcement.

The Finance Department works with all the City departments on this project. All departments have reviewed the "Sanctuary City Contracting and Investment Policy Ordinance" (Attachment 1). Departments have also completed the Departmental Sanctuary City Compliance Statement (Attachment 2). Any findings or requests for waivers were noted in the Departmental Sanctuary City Compliance Statement.

In addition, all Public Works construction bids, RFQs, RFPs, or any other solicitation issued by the City shall include the statement below:

SANCTUARY CITY CONTRACTING ORDINANCE COMPLIANCE STATEMENT

Contractor agrees to comply with the provisions of the Richmond Sanctuary City Contracting Ordinance (SCCO, Ordinance No. 12-18). Contractor must submit the Sanctuary City Compliance Statement included herein along with the bid or proposal prior to execution of the contract.

Furthermore, the City Attorney's office requires all contracts to have the statement below and complete the Sanctuary City Compliance Statement (Attachment 3):

SANCTUARY CITY CONTRACTING ORDINANCE (SCCO)

The Richmond Sanctuary City Contracting Ordinance No. 12-18 prohibits the City from granting and or retaining contracts with any person or entity that provides Data Broker or Extreme Vetting services to the U.S. Immigration and Customs Enforcement Division of the United States Department of Homeland Security ("ICE").

Impacted Contracts

The contracting portion of this ordinance impacts a contract with the Fire Department and the Police Department. The Fire Department and Police Department use Motorola

brand portable and mobile radios. Radio communication is critical to providing emergency response services to the City of Richmond.

The City of Richmond is a member agency of East Bay Regional Communications System Authority (EBRCSA). EBRCSA is a communications system manufactured by Motorola, providing interoperability for emergency responders and others on the system in Alameda and Contra Costa counties. EBRCS entered into agreement with Motorola in 2009 following an RFP conducted by Contra Costa County (#0904-018), and the agreement is currently in effect until July 30, 2026.

Red Cloud Inc. is Motorola's exclusive Manufacturer's Representative for all cities within Alameda, Contra Costa, San Mateo, and Marin Counties, as well as the City and County of San Francisco.

To remain operable, both the Fire Department and Police Department will need to continue to procure Motorola brand equipment, such as radios, batteries, related equipment, and software updates. Depending on the lowest available pricing, sometimes this may require procuring directly with Motorola, or Red Cloud, as their authorized representative for this region. As such, a waiver from Ordinance No. 12-18 restrictions is necessary.

Prohibition on Investment

Implementation of the investment portion of the ordinance includes monitoring of the City's investments on a regular basis. The City of Richmond does not have any investments in stocks, bonds, securities, or other obligations issued by any provider of Data Broker or Extreme Vetting Services to ICE. The investment policy was revised to include the following restriction:

In accordance with the Sanctuary City Contracting and Investment Policy Ordinance 12-18 N.S. Section 4 Prohibition on Investments, effective June 5, 2018, the City shall not make any investments in stocks, bonds, securities, or other obligations issued by any provider of Data Broker or Extreme Vetting services to United States Immigration and Customs Enforcement (ICE).

The ordinance also requires the City to adopt a plan with respect to pension fund investments to avoid investments in such entities. City employees are part of the California Public Employees' Retirement System (CalPERS). The City contacted CalPERS and encouraged them to avoid investing in such funds per the City ordinance and investment policy.

COMPLIANCE

Finance staff continue to work with all departments to ensure that all contracts comply with the ordinance. Finance staff also monitor the City's investments on a monthly basis to confirm that these conform to the ordinance. During the 2024 calendar year, one contract, the Motorola contract, was impacted by this ordinance. As noted above,

terminating the contract with Motorola would have a significant public safety and financial impact on the City.

DOCUMENTS ATTACHED:

Attachment 1 – City of Richmond Ordinance 12-18 - Sanctuary City Contracting and Investment Policy Ordinance

Attachment 2 – Departmental Sanctuary City Compliance Statement

Attachment 3 – Vendor Sanctuary City Compliance Statement

Attachment 4 – Resolution Waiving Ordinance No. 12-18 Requirements as applied to Motorola