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ATTORNEY CLIENT PRIVILEGED COMMUNICATION

February 27, 2026

To: Mayor and Council, City of Bisbee

From: Joseph D. Estes, Pierce Coleman PLLC
City Attorney

Re: Immigration and Customs Enforcement Ordinance

INTRODUCTION AND BACKGROUND

On February 2, 2026, the Bisbee City Council received a Petition to the Mayor and City Council requesting that the City draft an ordinance prohibiting U.S. Immigration and Customs Enforcement (“ICE”) from using City-owned property to stage enforcement operations. *See* Petition, attached as Exhibit A. The Petition further requests that any such ordinance restrict the City’s ability to share information with ICE, decline voluntary cooperation regarding jail operations, and otherwise prohibit the use of City resources to assist in ICE enforcement activities. In substance, the Petition asks the Council to consider adopting local legislation or a local policy limiting the City’s involvement in federal immigration enforcement.

In recent years, municipalities across the country have considered or adopted policies addressing the extent of local cooperation with federal immigration enforcement. These measures have generated litigation concerning federal preemption, the anti-commandeering doctrine, and the limits of state authority to restrict or mandate local cooperation. Courts have addressed these issues in varying factual contexts, often focusing on the distinction between declining voluntary cooperation and impermissibly interfering with federal operations. This broader legal landscape informs the analysis of any proposed ordinance, resolution or policy for the City of Bisbee (the “City”).

LEGAL ANALYSIS

The legality of any proposed ordinance, resolution or policy must be evaluated within a legal framework that includes both federal and Arizona law. This analysis implicates federal constitutional doctrines such as the intergovernmental immunity doctrine, preemption, the anti-commandeering doctrine, as well as relevant state statutory constraints, including A.R.S. § 11-1051. It also requires consideration of the scope of the City's authority over its own property, personnel, and operations. Any ordinance would need to be assessed holistically within this overlapping constitutional and statutory structure.

I. Federal Considerations.

Intergovernmental Immunity Doctrine

A potential ordinance, resolution or policy that restricts cooperation or otherwise prohibits ICE from using City owned property for certain activities risks legal challenge under the Supremacy Clause of the U.S. Constitution.¹ The Supremacy Clause provides that federal law is the supreme law of the land and preempts conflicting state or local laws. U.S. Const. art. VI, cl. 2. Generally speaking, when a municipal ordinance conflicts with valid federal law or interferes with its purposes, the federal law controls. The “intergovernmental immunity doctrine” is an offshoot of the Supremacy Clause. In recognition of the federal government's independence from state control, the intergovernmental immunity doctrine prohibits states from “interfering with or controlling the operations of the Federal Government. *United States v. King County, Washington*, 122 F.4th 740, 755-56 (9th Cir. 2024) (internal citations omitted). It does so by proscribing “state laws that either ‘regulate the United States directly or discriminate against the Federal Government or those with whom it deals.’” *Id* (internal citations omitted).

In the recent Ninth Circuit case of *United States v. King County, Washington*, King County, which owns and operates King County International Airport (Boeing Field), issued an executive order directing that future leases and authorizations at the airport prohibit fixed-base operators (FBOs) (private businesses that provide aviation services such as fueling, maintenance, hangar space, and ground handling) from supporting charter flights transporting ICE detainees. *Id.* at 747-48. By restricting FBOs from providing these services, the order effectively prevented ICE from using the airport for certain enforcement operations. *Id.* at 755. As a result, all FBOs at the airport stopped supporting ICE flights, forcing the federal government to relocate those operations to another facility and creating additional logistical challenges and increased operational costs. *Id.* at 749-50.

¹ Any reference herein to an ordinance, will include a resolution for formal City policy. Whether a measure is labeled as an ordinance, resolution for formal policy it does not make a difference in the legal analysis, as the analysis is focused on the City adopting a rule regarding its formal interactions with ICE. Arizona law does recognize a legal difference between a resolution and ordinance. Under a 1487 action, a member of the legislature can refer any ordinance, resolution or adopted policy of a municipality to the Attorney General's Office if it conflicts with State statute.

The Ninth Circuit found that this action of the County violated the intergovernmental immunity doctrine. The Court found that:

Executive Order prevents ICE’s contractors from continuing to operate flights out of Boeing Field, thereby requiring ICE to entirely transform its approach to its sovereign function of transporting and removing noncitizen detainees. In so doing, the Executive Order effectively grants King County the “power to control” ICE’s transportation and deportation operations, forcing ICE either to stop using Boeing Field or to use government-owned planes there. Because this impermissibly “override[s] the federal government’s decision, pursuant to discretion conferred by Congress, to use private contractors to run its” flights, the intergovernmental immunity doctrine bars the Executive Order.

Id. at 756-57 (internal citations omitted) (cleaned up).

The Ninth Circuit also concluded that the executive order in *King County* violated the intergovernmental immunity doctrine for an additional reason: it discriminated against the United States by “singling out” the federal government for “unfavorable treatment” based on its governmental status. *Id.* at 757. In other words, a municipal law may not treat the federal government differently from other entities or impose burdens on federal operations in a discriminatory manner. Doing so risks invalidation under intergovernmental immunity.²

In this case, an ordinance that affirmatively *restricts* or prohibits ICE from using City-owned property to conduct certain activities in a manner that rises to “interference” could implicate intergovernmental immunity concerns. Especially if it effectively or indirectly regulates a federal function. Such a restriction may be viewed as singling out a federal agency for differential treatment compared to other law enforcement or governmental entities. Courts could interpret this as a discriminatory burden on federal operations, particularly if it effectively prevents ICE from exercising functions authorized by federal law. All this considered, the level of legal risk would depend on how the ordinance is structured, the extent to which it interferes with federal activities, and whether it alters the status quo in a way that frustrates federal objectives.³

For example, if ICE, like *King County*, already uses the Bisbee Municipal Airport conduct operations, restricting those operations under any ordinance would likely implicate intergovernmental immunity concerns. Similarly, it would be legally tenuous to restrict ICE activities in areas where the public at large is generally allowed to utilize – as this risks

² Its worth noting that a state law is thus not unconstitutional just because it indirectly increases costs for the Federal Government, so long as the law imposes those costs in a neutral, nondiscriminatory way. *United States v. Washington*, 596 U.S. 832, 839 (2022).

³ As described below, the intergovernmental immunity risk is less prevalent as it pertains to prohibitions on sharing information with ICE.

discriminatory treatment frustrating federal objectives.

Conversely, the City, as the owner and operator of municipal property, generally retains the authority to regulate its use and, similar to how it may restrict activities by private citizens, may be able to prevent certain non-critical or discretionary activities on its property—such as staging events or other non-essential operations—without running afoul of intergovernmental immunity. However, whether such restrictions would be legally permissible in the context of federal operations, like those conducted by ICE, is highly fact-specific. Courts would likely examine the nature of the activity being restricted, whether the restriction targets the federal government or treats it differently from other users, and whether the ordinance materially interferes with federally authorized functions.

One important distinction from *King County* is that, unlike Boeing Field, the federal government, to our knowledge, is not currently using City-owned property in Bisbee to conduct ICE operations. In *King County*, the county's order effectively blocked ICE from using a critical facility that *it had relied upon for many years*, directly interfering with a core federal function and upsetting the status quo. By contrast, a potential ordinance in Bisbee would primarily regulate the City's own property and resources, which (again, to our knowledge) ICE does not presently occupy or rely upon. As a result, any effect on federal operations may be viewed by a court as more indirect and less likely to constitute direct interference. The same analysis would likely apply to jail use. If ICE is already utilizing the jail any prohibition of this use could be implicative of intergovernmental immunity. However, in this case, Bisbee does not have ownership or control over the jail facilities as those are maintained and operated by the County.

While the precise boundaries of the intergovernmental immunity doctrine are not fully settled in this context, an ordinance could still raise issues if it singles out the federal government for unfavorable treatment while it carries out functions authorized by federal law. The bottom line is that adopting an ordinance of this nature carries potential risks under intergovernmental authority principles.

Federal Preemption

The Supremacy Clause provides another potential area of legal challenge, as highlighted in *Arizona v. United States*, 567 U.S. 387 (2012). In that case, the United States argued Arizona state law S.B. 1070 was preempted by federal law. *Id.* at 393. Generally, S.B. 1070 created state immigration-related offenses and granted state and local officers authority to investigate and verify individuals' immigration status. *Id.* It also created certain authorities for law enforcement officials. *Id.* The Supreme Court considered whether federal law preempted four separate provisions of S.B. 1070.

The Court explained that Congress may preempt state or local law either expressly or implicitly. *Id.* at 399. Implicit preemption can arise where federal regulation is “so pervasive ... that Congress left no room for the States to supplement it,” or where there is a “federal interest ... so dominant that the federal system will be assumed to preclude enforcement of state laws on the same subject.” *Id.* Preemption also occurs when compliance with both federal and state law is

impossible, or when a state law “stands as an *obstacle* to the accomplishment and execution of the full purposes and objectives of Congress.” *Id.* at 399-400 (emphasis added). Courts generally presume that state and local police powers are not displaced unless Congress’s intent to do so is “clear and manifest.” *Id.* at 400 (citing *Rice v. Santa Fe Elevator Corp.*, 331 U.S. 218, (1947)).

The Court found that three of the four challenged provisions of S.B. 1070 were implicitly preempted under federal law, either because they posed an obstacle to the federal immigration scheme or because the federal interest in immigration enforcement is so dominant that it precludes parallel state regulation on the same subject.

Of particular relevance here is the doctrine of “obstacle preemption,” which applies when a law interferes with the accomplishment and execution of Congress’s objectives. *Arizona*, 567 U.S. at 399. In the municipal context, this issue could arise if a City ordinance restricting the use of City-owned property for ICE operations were viewed as frustrating the federal immigration enforcement framework. Although there are clear distinctions between a comprehensive state immigration statute and a municipal ordinance governing City property, the risk of federal preemption should still be considered.

At the same time, as noted above, courts generally hesitate to disturb traditional local police powers in an obstruction-based preemption analysis. An ordinance that regulates only the City’s own property and resources—and is framed as a neutral exercise of municipal authority, applying generally to property use or operational practices without specifically singling out the federal government—may be less likely to raise preemption concerns.

In short, while obstacle preemption presents a potential avenue for legal challenge, its application in the municipal setting is highly context-dependent and may be less likely than in the context of broad state immigration legislation. That said, the greater the extent to which a municipality is perceived as frustrating federal objectives, the greater the risk of a preemption challenge. A court may subject an ordinance to closer scrutiny if it materially interferes with federal operations, though the City may retain some flexibility when regulating its own property and resources in a neutral and evenhanded manner.

Anti-Commandeering Doctrine

While the above considerations are important when evaluating any ordinance restricting federal use of municipal property, there are also limits on what the federal government can compel or require of local governments that warrant attention.

The anti-commandeering doctrine finds its roots in the Tenth Amendment, which provides that “the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people” U.S.C.A. Const. Amend. X. The anti-commandeering doctrine “prevents the federal government from harnessing a State’s legislative or executive authority” and “prohibits the federal government from compelling the States to implement, by legislation or executive action, federal regulatory programs.” *King County*, 122 F.4th at 758. As the Supreme Court emphasized, “States are not mere political subdivisions

of the United States” and “State governments are neither regional offices nor administrative agencies of the Federal Government.” *New York v. U.S.*, 505 U.S. 144, 188 (1992). This means the federal government cannot “commandeer” state or local governments into enforcing federal programs, including by forcing them to provide their resources, personnel, facilities, or property for federal regulatory enforcement. *United States v. California*, 921 F.3d 865, 888 (9th Cir. 2019).

The Ninth Circuit case of *United States v. California* is instructive. 921 F.3d 865 (2019). That case focused on three laws passed by the California legislature aimed towards the express goal of “of protecting immigrants from an expected increase in federal immigration enforcement actions.” *Id.* at 875. Most relevant to this memorandum is the “California Values Act (SB 54).” As stated:

SB 54 limits law enforcement’s “discretion to cooperate with immigration authorities.” Among other things, it prohibits state and local law enforcement agencies from “inquiring into an individual’s immigration status”; “detaining an individual on the basis of a hold request”; “providing information regarding a person’s release date or” other “personal information,” such as “the individual’s home address or work address”; and “assisting immigration authorities” in certain activities.

Id. at 876 (cleaned up, internal citations omitted).

The Court considered this legislation against the backdrop of federal preemption principles, intergovernmental immunity, and anti-commandeering principles. Of key import, the Court recognized that “Federal law provides states and localities the *option*, not the requirement, of assisting federal immigration authorities. SB 54 simply makes that choice for California law enforcement agencies.” *Id.* at 889 (emphasis added). This means that even if the federal schemes are frustrated when states opt not to *participate* in federal programs or enforcement efforts, they are nonetheless compliant with the U.S. Constitution.

California suggests that states can generally prohibit *cooperation* with federal agencies, but they cannot actively obstruct, discriminatorily single out, or overtly frustrate federal law. The risk of violating the Supremacy Clause (either intergovernmental immunity or obstruction preemption) becomes more significant when a local entity actively discriminates against federal authorities or mandates action or inaction that disrupts the status quo. The Court’s explanation in *California*, in balancing Supremacy Clause principles against Tenth Amendment anti-commandeering doctrines, is particularly instructive:

Ultimately, we conclude that the specter of the anticommandeering rule distinguishes the case before us from the preemption cases on which the United States relies. Those cases concerned state laws that affirmatively disrupted federal operations by mandating action (or inaction) contrary to the status quo. In each, a state statute affirmatively instituted a regulatory scheme that conflicted with

federal law, either by commission (for example, by applying differing standards or mandating affirmative action irreconcilable with federal law) or omission (by demanding inaction that directly conflicted with federal requirements). The solution to avoid conflict preemption was the same: invalidate the state enactment. In each case, the status quo would return—either no future conflicting action would be taken, or active compliance with federal law would recommence—and federal activity would no longer be obstructed.

Id. at 888-889.

Therefore, the legality of any potential ordinance will likely hinge on how much it alters the current status quo, obstructs federal objectives, or singles out ICE for differential treatment. This creates a legal risk for the City. For example, if other law enforcement agencies are permitted to operate on City-owned property while ICE is specifically prohibited, a court could view the ordinance as discriminatory or as interfering with federal operations, potentially rendering it unconstitutional. Balancing preemption against anti-commandeering principles requires a fact-intensive analysis of the specific ordinance, and even then, it may not be immune from challenge.

In short, while the City generally has discretion over its property and may not be *compelled* to make their property or facilities available for federal purpose. Communities likely have the ability to decline or limit voluntary cooperation with federal law enforcement, but they probably cannot actively obstruct or frustrate federal operations in a discriminatory manner or in a way that interferes with federally authorized activities. Where actively prohibiting ICE from using City-owned property and its jail facility falls on this spectrum, it is uncertain, and therefore subject to legal challenge. Any analysis would hinge on careful drafting – and even then, could still be subject to challenge.

II. State Law Considerations.

While federal constitutional law presents significant considerations, Arizona has also enacted state law governing cooperation and assistance in the enforcement of federal immigration law. A.R.S. § 11-1051 imposes affirmative obligations on state and local entities.

A.R.S. § 11-1051(A) provides that:

No official or agency of this state or a county, city, City or other political subdivision of this state may limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law.

Subsection (C) of this same provision also states that:

If an alien who is unlawfully present in the United States is convicted of a violation of state or local law, on discharge from

imprisonment or on the assessment of any monetary obligation that is imposed, the United States immigration and customs enforcement or the United States customs and border protection shall be immediately notified.

Subsection (F) states, in part:

Except as provided in federal law, officials or agencies of this state and counties, cities, towns and other political subdivisions of this state may not be prohibited or in any way be restricted from sending, receiving or maintaining information relating to the immigration status, lawful or unlawful, of any individual or exchanging that information with any other federal, state or local governmental entity for the following official purposes.

Together, these provisions create an additional and independent layer of legal consideration for the City. Unlike federal preemption or anti-commandeering doctrines – which address limits on federal authority over states – A.R.S. § 11-1051 affirmatively restricts the ability of Arizona municipalities to limit cooperation with federal immigration enforcement.⁴ The statute broadly prohibits policies that would limit enforcement below what federal law permits and specifically protects information-sharing with federal authorities – which is suggested in the citizen petition.

An ordinance interpreted as restricting cooperation, limiting enforcement to less than what federal law permits, or prohibiting information-sharing could face challenge under state law. In that respect, state law may present a more direct source of liability than federal constitutional concerns.

At the same time, A.R.S. § 11-1051 only applies “to the full extent permitted by federal law.” This language creates a potential interpretive issue. If federal law permits political subdivisions to decline participation in certain enforcement activities or to limit voluntary information-sharing, it is not entirely clear whether a municipal policy doing so would necessarily violate § 11-1051. A city could argue that where federal law makes cooperation optional rather than mandatory, choosing not to cooperate does not “limit or restrict” enforcement below what federal law permits, but instead exercises discretion that federal law allows.

The statute also contains a broad enforcement mechanism. Any legal resident of Arizona may bring an action in superior court to challenge a state or local policy that limits or restricts enforcement of federal immigration laws to less than the full extent permitted by federal law. If a court finds a violation, it must impose a civil penalty of not less than \$500 and not more than \$5,000 for each day the policy has remained in effect after the filing of the action. A.R.S. § 11-1051(H). The court may also award court costs and reasonable attorney’s fees to a prevailing party.

⁴ As a side note, A.R.S. § 11-1051 was enacted as part of S.B. 1070, which was challenged in *Arizona v. United States*. The subsection that was challenged in the Supreme Court was § 11-1051(B). This subsection was not preempted at the Supreme Court nor was any other part of § 11-1051. So, it remains good law.

A.R.S. § 11-1051(J).

This enforcement structure creates potential financial exposure for the City. If an ordinance is found to violate federal constitutional principles or A.R.S. § 11-1051, the City could face civil penalties and liability for attorneys' fees in an action brought by a private resident. Accordingly, any proposed ordinance should be evaluated not only for constitutional compliance, but also for conformity with Arizona statutory requirements and the attendant risk of statutory enforcement actions.

As a result, even if a proposed ordinance could survive scrutiny under the Supremacy Clause, it must also comply with Arizona statutory law. An ordinance that is interpreted as restricting cooperation, limiting enforcement to less than what federal law permits, or prohibiting information-sharing could face challenge under state law.

There are two practical perspectives to consider here. The most conservative approach would be to avoid any ordinance that could even be interpreted as restricting cooperation with federal immigration enforcement or limiting information-sharing with federal authorities, thereby minimizing potential exposure under A.R.S. § 11-1051. Under this approach, the City would focus on maintaining full compliance with state law, ensuring that no municipal action could be construed as limiting enforcement to less than the full extent permitted by federal law or impeding the exchange of immigration-related information. By taking a cautious posture, the City would nearly eliminate the risk of civil penalties, which under the statute can range from \$500 to \$5,000 per day, as well as the potential for costly litigation initiated by private residents seeking to enforce the statute.

The second perspective acknowledges that the City could still consider moving forward with an ordinance, but doing so would require very careful and precise drafting to minimize any implication that the City is restricting cooperation with federal immigration enforcement or limiting information-sharing in a manner prohibited by A.R.S. § 11-1051. Under this approach, the ordinance would need to be narrowly tailored to focus solely on the City's property and resources, framed as a neutral exercise of the City's police powers, and avoid singling out any particular federal agency for differential treatment. Every provision would need to be scrutinized for potential conflict with federal or state law. Even with meticulous drafting, this approach carries a higher degree of legal risk, as any perceived restriction on ICE's activities could trigger statutory enforcement or litigation. Nevertheless, if carefully structured, the City may be able to achieve its policy objectives while reducing, though not eliminating, potential legal exposure. The sufficiency of the ordinance would likely hinge on a favorable interpretation of A.R.S. § 11-1051(A) - specifically, that because federal law permits a municipality to decline to share certain information, the statute should be read as not prohibiting the City from exercising that discretion.

Similar Ordinances from Other Jurisdictions

It is worth noting that other jurisdictions across the United States have adopted ordinances similar to what City residents are proposing here. Examples are attached as Exhibit B. These ordinances demonstrate that municipalities in various states have attempted to address the issue of



cooperation with federal immigration enforcement through local legislation.

That said, the existence of similar ordinances elsewhere does not establish their legality or insulate them from legal challenge. Some may be subject to ongoing litigation, may not yet have been tested in court, or may operate within different statutory and constitutional frameworks. Importantly, not all states have provisions comparable to A.R.S. § 11-1051, which imposes specific constraints on Arizona municipalities. As a result, the legal landscape in other jurisdictions may differ significantly from Arizona's.

Accordingly, while these examples may provide helpful context, they are not determinative of what is permissible under Arizona law. Any proposed ordinance must be independently evaluated under applicable federal constitutional principles and Arizona statutory requirements.

CONCLUSION

In sum, while the City may attempt to proceed with an ordinance, doing so would require careful drafting to avoid conflict with A.R.S. § 11-1051 and related federal law. Any provision that is viewed as obstructing or interfering with federal immigration enforcement could be subject to preemption under established Supremacy Clause principles. Even if narrowly tailored and framed as a neutral exercise of municipal authority over City property and resources, the approach carries meaningful legal risk and would likely depend on both a favorable interpretation of A.R.S. § 11-1051 and a determination that the ordinance does not stand as an obstacle to the accomplishment and execution of federal law.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

Joseph D. Estes
For the Firm

JDE/MWS

Enclosures: Exhibits

EXHIBIT A

DATE TAKEN OUT: 2/2/2026

PETITION TO THE MAYOR AND CITY COUNCIL

I/We, Petition the Mayor and the City Council of the City of Bisbee because:

IMMIGRATION + CUSTOMS ENFORCEMENT has been VIOLATING CIVIL RIGHTS IN AMERICAN cities.

(State Problem)

ACTION DESIRED

I/We would like the Mayor and Council to consider taking the following action(s):

DRAFT AN ORDINANCE THAT PROHIBITS ICE FROM USING CITY OWNED PROPERTY TO STAGE ENFORCEMENT OPERATIONS. REFUSE TO SHARE INFORMATION WITH ICE, REFUSE VOLUNTARY JAIL COOPERATION, AND BLOCK THE USE OF CITY RESOURCES FOR ENFORCEMENT.

(State Possible Solution to Problem. Be SPECIFIC.)

THIS PETITION WILL BE CONSIDERED AND ANY ACTION WILL BE TAKEN WITHIN THREE REGULAR CITY COUNCIL MEETINGS.

DATE	SIGNATURE	PRINTED NAME	ADDRESS
2/2/26	Francis Kimin	FRANCIS KIMIN	PO BOX 1495 BISBEE
2/2/26	Nichole R. Welch	NICHOLE R. WELCH	410 N ST, BISBEE, AZ 85603
2/2/26	JAMES MAHONEY	JAMES MAHONEY	PO BX. BH, BISBEE, ⁸⁵⁶⁰³
2/2/26	Nancy Potenza	Nancy POTENZA	225 Tombstone Canyon POB 399 Bisbee, AZ
2/2/26	K. Crittenden	Kelley Crittenden	315 Congdon Ave, Bisbee, AZ
2/2/26	B.F. King	Betty F. King	822 Sims RD, Bisbee
2/2/26	Colleen Chassey	COLLEEN CHASSEY	501 Tombstone Canyon
2/2/26	Kay Wanda Arredondo	KAY WANDA ARREDONDO	121 STAR AVE PO BOX 1532

Signed: Jennifer Druckman
Circulator
Jennifer Druckman

RECEIVED

Petition Format Adopted by City Council on 12/6/94

FEB 03 2026

City Clerk's Office
City of Bisbee

EXHIBIT B



**OFFICE OF THE MAYOR
CITY OF CHICAGO**

BRANDON JOHNSON
MAYOR

Executive Order No. 2025-8

**PROHIBITING THE USE OF CITY PARKING LOTS, VACANT LOTS, AND
GARAGES FOR CIVIL IMMIGRATION ENFORCEMENT STAGING AREAS,
PROCESSING LOCATIONS, OR OPERATIONS BASES**

WHEREAS, the City of Chicago is committed to ensuring the safety, dignity, and human rights of all residents, regardless of race, religion, immigration status, or national origin; and

WHEREAS, civil immigration enforcement activities have historically undermined community trust, spread fear, and created barriers to accessing essential City services; and

WHEREAS, during the past month, federal agents have used Chicago Public Schools parking lots, a City-owned parking lot at Harrison and Kedzie, and a City-owned vacant lot at 46th and Damen, among other locations, as staging sites for civil immigration enforcement operations in surrounding areas; and

WHEREAS, Chicago has long recognized that public safety is best achieved through trust and collaboration between residents and local government, not through the militarization or deputization of City resources in service of civil immigration enforcement; and

WHEREAS, the unauthorized use of City resources, property, or personnel to facilitate civil immigration enforcement actions interferes with the City's authority over, and its use of, its own resources, property, and personnel; and

WHEREAS, the use of City resources, property, or personnel to facilitate civil immigration enforcement actions is inconsistent with, and undermines both the spirit and intent of, the City's Welcoming City Ordinance; and

WHEREAS, such use of City resources further erodes trust between immigrant communities and local law enforcement, weakening the relationships that are essential to ensuring public safety and effective community policing; now, therefore,

I, Brandon Johnson, Mayor of the City of Chicago, do hereby order as follows:

I, Brandon Johnson, Mayor of the City of Chicago, do hereby order as follows:

Section 1. Prohibition on Use of City Parking Lots, Vacant Lots, and Garages.

No City-owned and controlled parking lot, vacant lot, or garage shall be used as a staging area, processing location, or operations base for civil immigration enforcement.

For purposes of this order, “staging area” means an area that is used to assemble, mobilize, and deploy vehicles, equipment, or materials, and related personnel, for the purpose of carrying out civil immigration enforcement operations.

Section 2. Implementation and Enforcement.

City Departments and Agencies shall collaborate to identify City-owned and controlled parking lots, vacant lots, or garages that either have been used, or are likely to be used in the future, as a staging area, processing location, or operations base for the purpose of civil immigration enforcement. City Departments and Agencies shall ensure that all such properties have clear signage stating:

This property is owned and controlled by the City of Chicago.

It may not be used for civil immigration enforcement as a:

Staging Area,
Processing Location, or
Operations Base

City Departments and Agencies shall further ensure that, wherever appropriate, physical barriers such as locked gates are used to limit access to City-owned and controlled parking lots, vacant lots, or garages consistent with this order.

Within 5 days of the execution of this order, City Departments and Agencies shall develop the procedures necessary to implement this order. These implementing procedures shall provide that any City employee who becomes aware of the attempted or actual use of a City-owned and controlled parking lot, vacant lot, or garage as a staging area, processing location, or operations base for civil immigration enforcement shall immediately report to their supervisor, who will communicate with the Office of the Mayor and the Corporation Counsel.

Section 3. Private Property Signage.

The Mayor’s Office shall design and print standardized signage that private landowners and leaseholders could display to delineate the non-public areas of the

property in which the landowner or leaseholder wishes to restrict activities related to civil immigration enforcement.

The City will make this signage available free of charge to private landowners and leaseholders, including but not limited to businesses, medical providers, nonprofit organizations, and faith institutions, who voluntarily decide to so designate their property consistent with their authority over the property and who voluntarily request such signage from the City. Landowners and leaseholders that post this signage do so at their own discretion and assume any legal risk associated therewith.

City Departments and Agencies shall make available to the public know your rights materials regarding the rights of employees, tenants, and security staff regarding entry by federal agents.

Section 4. Scope.

This order does not apply to property that is subject to an existing lease or concession agreement to which the City is a party. This order is not intended to, and shall not be interpreted to, interfere with any such lease or agreement.

Nothing in this order shall be construed as restricting or interfering with the execution of lawful judicial warrants or the enforcement of criminal law, nor as limiting the rights of any person or entity under state or federal law.

This order does not prohibit the lawful use of City-owned and controlled property for purposes other than a staging area, processing location, or operations base for civil immigration enforcement, nor does it restrict any person or entity from carrying out functions unrelated to those purposes on such property.

Section 5. Effective Date.

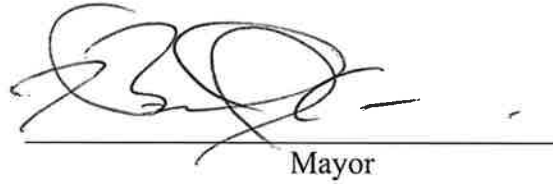
This Order will take effect upon its execution and filing with the City Clerk.



Chicago City Clerk-Council Div.
2025 OCT 6 AM 10:56

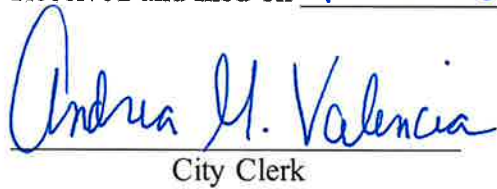
OFFICE OF THE MAYOR
CITY OF CHICAGO

BRANDON JOHNSON
MAYOR

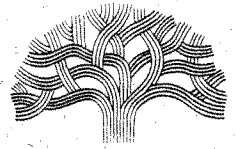


Mayor

Received and filed on 10-6-25



City Clerk



Executive Order – Limiting the Use of City Property to Uses that Serve City Purposes

This Executive Order directs City Departments to prohibit uses of City Property that do not further City purposes or programs.

WHEREAS, the City of Oakland is a municipal corporation organized under the Constitution and laws of the State of California, and is vested with the authority and responsibility to govern local affairs, maintain public safety, and safeguard the civil rights of the people of Oakland;

WHEREAS, the principles of federalism enshrined in the U.S. Constitution require respect for state and local authority, and federal encroachment into local policing or governance undermines constitutional balance and threatens civil liberties;

WHEREAS, the City of Oakland has long been a City of Refuge for its immigrant residents and our laws and values reflect that;

WHEREAS, the City of Oakland is a welcoming city for and of immigrants and our laws and values reflect that, and the City is committed to serving all residents with respect and dignity;

WHEREAS, the City of Oakland has limited resources and is committed to using those resources to further the City's own purposes and goals, including fostering an environment of inclusiveness and trust between the City government and all City residents;

WHEREAS, civil immigration enforcement does not further City purposes and erodes the trust between our community and its government;

WHEREAS, President Trump has engaged in unprecedented and unwarranted actions deploying, or threatening to deploy, the National Guard, U.S. military troops, and federal personnel focused on immigration enforcement to American cities, including to the City of Oakland;

WHEREAS, the City of Oakland wishes to preserve its resources and institutions for use to further City purposes and goals;

WHEREAS, the deployment of federal tactical units for civil immigration enforcement in Oakland exacerbates existing harms facing the City's historically underserved residents and vulnerable populations, and immigrant communities;

WHEREAS, the City of Oakland has a strong interest in ensuring its policies concerning the use of City-owned and City-controlled property are clear and unambiguous, including to prevent uses of such property for federal civil immigration enforcement activity or for any other purpose not expressly authorized by the City;

WHEREAS, the unauthorized use of City property to facilitate civil immigration enforcement activities interferes with the City's authority over, and use of, its own property, undermines the City's longstanding policy of non-cooperation with civil immigration enforcement, and risks eroding trust between City personnel and the community.

NOW, THEREFORE, I, Barbara Lee, Mayor of Oakland, order that the City of Oakland shall take the following actions to respond to any unilateral deployment of the National Guard, U.S. military personnel, or other increased federal enforcement presence in the City of Oakland:

Section 1: Prohibition on Use of City Property

(a) No real property owned or controlled by the City of Oakland shall be used for any purpose not expressly authorized by the City, including, for example, criminal activities, or as a staging area, processing location, or operations base for federal civil immigration enforcement activities.

(b) No City department, agency, officer, or employee shall give consent for federal officials to use a City-owned or City-controlled real property as a staging area, processing location, or operations base for federal civil immigration enforcement activities, and no such purported consent by a City department, agency, officer, or employee shall be deemed consent by the City for any such use.

(c) For the purposes of this order, "staging area" means an area that is used to assemble, mobilize, and deploy vehicles, equipment, or materials, and related personnel, for the purposes of carrying out civil immigration enforcement operations.

(d) This order shall not impair any lease, license, or other agreement related to City real property or contractual restriction in existence prior to January 29, 2026.

(e) Nothing in this policy shall be construed as restricting or interfering with the execution of valid judicial warrants or court orders from federal or state judicial officers or with the enforcement of criminal law, nor as limiting the rights of any person or entity under state or federal law. Nothing in this policy shall be interpreted or applied to create any requirement, power, or duty in conflict with any federal or state law.

Section 2: Implementation and Enforcement

(a) The Office of the Mayor and all City Agencies shall coordinate to identify real property owned or controlled by the City of Oakland that either have been used, or are likely to be used in the future, as a staging area, processing location, or operations base for the purpose of federal civil immigration enforcement.

(b) City Agencies shall ensure that, to the extent practicable, all such properties have clear signage stating:

"This property is owned or controlled by the City of Oakland. It may not be used for any purpose that does not further the purposes and operations of the City of

Oakland, including but not limited to civil immigration enforcement or illegal activity.”

(c) City Agencies shall further ensure that, wherever appropriate, physical barriers such as locked gates are used to limit access to real property owned or controlled by the City of Oakland consistent with this order.

(d) Within [5] days of the execution of this order, City Agencies shall develop the procedures necessary to implement this order. Those implementing procedures shall provide that any City employee who becomes aware of the attempted or actual use of real property owned or controlled by the City of Oakland as a staging area, processing location, or operations base shall immediately report to their supervisor, who will communicate with the Office of the Mayor.

Section 3: Scope

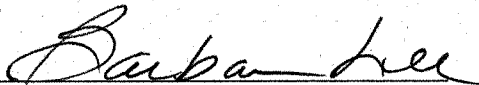
(a) This order is applicable in the City of Oakland to the fullest extent permitted by federal, state, and local law.

(b) This order does not apply to property that is subject to an existing lease, easement, license, permit, or concession agreement to which the City of Oakland entered into prior to the effective date of this order, unless the agreement reserves sufficient rights for the City to implement this order on the subject property. This order is not intended to, and shall not be interpreted to, interfere with any such lease or agreement.

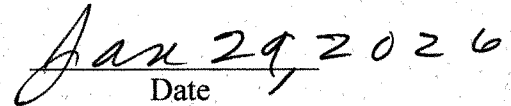
(c) Nothing in this order shall be construed as restricting or interfering with the execution of lawful judicial warrants or the enforcement of criminal law, nor as limiting the rights of any person or entity under state or federal law.

Section 4: Effective Date

This order will take effect upon its execution.



Barbara Lee
Mayor, City of Oakland



Date

**A RESOLUTION ADOPTING THE COUNTY OF ALAMEDA POLICY PROHIBITING
THE USE OF COUNTY-OWNED OR COUNTY-CONTROLLED PROPERTIES FOR
FEDERAL CIVIL IMMIGRATION ENFORCEMENT ACTIVITIES INCLUDING
STAGING AREAS, PROCESSING LOCATIONS,
OR OPERATIONS BASES**

RESOLUTION NUMBER R-2026-47

WHEREAS, in 2016, the Board of Supervisors declared and affirmed that the County of Alameda is a Welcoming County committed to bringing immigrants and refugees and the broader community together to develop policies, programs, and initiatives that build welcoming communities and provide all residents with the knowledge and tools to thrive and fully participate in their communities; and

WHEREAS, the County of Alameda is committed to ensuring the safety, dignity, and human rights of all our residents, regardless of race, religion, immigration status, or national origin; and

WHEREAS, civil immigration enforcement activities have historically undermined community trust, spread fear, and created barriers to refugee and immigrant community members accessing essential County services, seeking basic health services, and reporting crime to local law enforcement, contributed to increased absenteeism from work, and disrupted schooling to the detriment of all County residents; and

WHEREAS, throughout the State and Nation there has been an increase of incidents of arrests of both citizens and non-citizens by masked non-uniformed plain-clothed federal agents. Often these agents will not have visible names, officer identification numbers, or other individually identifying information on their person. This practice causes confusion, fear, and panic because community members have no way of knowing whether these agents are exercising legitimate authority or committing a crime thereby spreading distrust in law enforcement and harming public safety for all County residents; and

WHEREAS, the County of Alameda has long recognized that public safety is best achieved through trust and collaboration between residents and local government, not through the militarization or deputization of County resources in service of civil immigration enforcement; and

WHEREAS, the Alameda County Sheriff's Office General Order 1.24 revised on October 1, 2025 describes the Alameda County Sheriff's Office (ACSO) Zero-Contact policy with immigration officials, except when a criminal warrant has been signed by a judge; and

WHEREAS, in recent months, the County has observed across the country the commandeering of county, and city-owned facilities for immigration enforcement, an activity that is solely the responsibility of the

federal government; and

WHEREAS, the unauthorized use of County resources, property, or personnel to facilitate civil immigration enforcement actions ignores the intended purposes of such assets and interferes with and undermines the County's authority over, and its use of, its own limited resources, property, and personnel; and

WHEREAS, in this time of economic difficulties the County seeks to ensure that the County's resources, property, and personnel are used and expended only in furtherance of the objectives for which they are allocated and not used for the purposes of civil immigration enforcement which would divert County resources from programs beneficial to the County and its residents; and

WHEREAS, the use of County resources, property, or personnel to facilitate civil immigration enforcement actions is inconsistent with, and undermines both the spirit and intent of, the County's Welcoming County policy; and

WHEREAS, such use of County resources further erodes trust between refugee and immigrant communities and local law enforcement, weakening the relationships that are essential to ensuring public safety; and

WHEREAS, consistent with Alameda County's long-standing commitment to equity, inclusion, public safety, and ensuring access to essential services for all residents regardless of immigration status, numerous jurisdictions across the United States have recently adopted, or are actively considering, ICE-Free Zones or similar policies to preserve trust between immigrant communities and local government and to prevent fear from deterring residents from accessing public services, including California jurisdictions such as Santa Clara County, the City and County of San Francisco, Los Angeles County, San Mateo County, and the City of Berkeley; Illinois jurisdictions including the City of Chicago and Cook County; the City of Boston, Massachusetts; New Jersey jurisdictions including Hoboken, Jersey City, Newark, and Paterson; New York jurisdictions including New York City and Rochester; and the cities of Portland, Oregon; Seattle, Washington; Denver, Colorado; and Albuquerque, New Mexico, reflecting a shared commitment to protecting civil rights, promoting community well-being, and ensuring effective and inclusive local governance.

NOW, THEREFORE BE IT RESOLVED, THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, does hereby enact the following policy to prohibit the use of county-owned or county-controlled properties, for certain civil immigration enforcement activities.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on January 29, 2026 by the following called vote:

AYES: Supervisors Fortunato Bas, Márquez, Miley, Tam & President Haubert - 5

NOES: None

EXCUSED: None



David Haubert
President of the Board of Supervisors
County of Alameda, State of California

ATTEST:
Clerk of the Board of Supervisors,
County of Alameda

APPROVED AS TO FORM:
Donna Ziegler, County Counsel

By:



Britney Davis
Clerk of the Board of Supervisors

By:

Signed by:

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Samantha Stonework-Hand
Assistant County Counsel

THE COUNTY OF ALAMEDA POLICY PROHIBITING THE USE OF COUNTY-OWNED OR COUNTY-CONTROLLED PROPERTIES FOR FEDERAL CIVIL IMMIGRATION ENFORCEMENT ACTIVITIES INCLUDING STAGING AREAS, PROCESSING LOCATIONS, OR OPERATIONS BASES

Section 1. Prohibition on Use of County-owned or County-controlled properties.

No County-owned or County-controlled properties, including parking lots, vacant lots, garages, or nonpublic areas of buildings shall be used for staging areas, processing locations, or operations bases for the purpose of civil immigration enforcement.

Section 2. Definitions

“Staging area” means an area that is used to assemble, mobilize, and deploy vehicles, equipment, or materials, and related personnel, for the purpose of carrying out civil immigration enforcement operations.



KAREN BASS
MAYOR

EXECUTIVE DIRECTIVE NO. 17

Issue Date: February 10, 2026

Subject: Protecting Angelenos from Ongoing Dangerous Federal Immigration Operations

INTRODUCTION

Since June 2025, Los Angeles has experienced an increase in federal civil immigration enforcement activity, marked by highly visible operations that have taken place in neighborhoods, near workplaces, and in public spaces. These actions continue to spread fear and uncertainty among residents, disrupt families and businesses, and damage community trust in government institutions. The federal operations also increase risk and danger to officers of the Los Angeles Police Department when responding to calls related to immigration enforcement activity.

These actions by the federal government raise serious concerns regarding the use of City-owned or controlled property, the conduct and accountability of federal law enforcement officers operating within the City, and the need to establish clear boundaries between municipal operations and federal civil immigration enforcement.

To ensure that all residents feel safe accessing City services, reporting crimes, seeking emergency assistance, and participating fully in civic life, it is essential that City law enforcement professionals have clear guidelines to ensure they can effectively provide public safety for all Angelenos when responding to and interacting with federal immigration enforcement.

Non-public spaces in City-owned or controlled property remain off-limits to federal immigration enforcement agents unless those agents have judicial warrants or court orders. The City has a responsibility to continue to safeguard public spaces, preserve evidence of potential misconduct, ensure compliance with state law, and protect the constitutional rights of all persons within our jurisdiction. Now, we must assert our authority and actively guard against acts of brazen federal overreach.

To fulfill these commitments is to protect human dignity, which is not a privilege bestowed by status, but an inherent right that the City is morally bound to uphold.

On July 11, 2025, I signed Executive Directive No. 12, entitled “Standing United - a Proud City of Immigrants.” In that Executive Directive, I directed City departments to update preparedness plans and implement training and protocols to ensure City employees and City contractors were trained and prepared to abide by the City’s ordinance that prohibits the use of any City resources, personnel, property and data to support federal immigration enforcement. The directive mobilized departments to support families impacted by federal immigration enforcement. It established a working group between the Mayor’s Office of Immigrant Affairs and the Los Angeles Police Department, to work with immigrant rights organizations and community leaders to address issues related to federal enforcement actions and the City’s response.

The federal government used Los Angeles as a test case, piloting their immigration enforcement surge here – in our proudly diverse and welcoming city – before taking their efforts to cities around the country. But as the federal government continues its efforts nationwide, the threats to our City from aggressive federal immigration enforcement have not diminished. The City must and can do more to protect our City and all who live, work and visit the City of Angels.

Accordingly, to reaffirm the City’s values, to protect City property and public trust, and to provide clear direction to City departments in light of ongoing federal immigration enforcement activity, I hereby direct all City Departments to:

A. City Property and Spaces are for City Purposes Only

1. Within 15 days of this order, identify within the department’s portfolio of City-owned or controlled property that might be used as a staging area, processing location, or operations base for immigration enforcement, and, within 25 days of this order, post on each such property a sign stating: *“This property is owned or controlled by the City of Los Angeles. It may only be used for its intended City purpose and not used for immigration enforcement as a staging area, processing location, or operations base.”* No City-owned or controlled property shall be used as a staging area, processing location, or operations base for immigration enforcement. Staging area means an area that is used to assemble, mobilize, and deploy vehicles, equipment, or materials, and related personnel, for the purpose of carrying out immigration enforcement operations. Nothing in this order shall be construed as restricting or interfering with the execution of lawful judicial warrants or the enforcement of criminal law, nor as limiting the rights of any person or entity under state or federal law.

2. Ensure that, where appropriate, physical barriers such as locked gates and doors are used to limit access to City-owned or controlled parking lots, vacant lots, or garages, and non-public portions of City facilities.
3. Within 15 days of this order, provide written notice to department contractors of the request to immediately report to the department's Immigrant Affairs Liaison any attempted or actual use of a City-owned or controlled property as a staging area, processing location, or operations base for immigration enforcement.

B. Increasing Transparency of Federal Conduct

I also hereby request the Board of Police Commissioners to direct the Police Chief to update Notice 11.2 released on June 27, 2025 and revised on December 16, 2025, entitled "Response to Incidents Involving Federal Immigration Enforcement Actions":

1. Instruct all department officers at the scene of an immigration enforcement action to use their body worn camera to record the event and to preserve the video.
2. Instruct the department's supervisor at each immigration enforcement scene where department officers are present to identify, when it is tactically safe, the on-scene supervisory immigration officer and attempt to verify the supervisory officer's name and badge number and record it on the department's supervisor's body worn camera.
3. Reaffirm the instruction that all department officers take measures to maintain the peace by using department-approved tactics and techniques to de-escalate potential conflicts with members of the public.
4. Instruct all department officers to provide clear communication to bystanders, reassuring them of the department's neutral role and explaining that officers are present only to ensure public safety, not to assist with the immigration enforcement action.
5. Instruct all department officers to summon emergency medical assistance and render aid to any one injured at the scene of any immigration enforcement action.

6. Instruct all department officers who receive information from the public regarding conduct of an immigration agent that constitutes apparent violation of state or local law, shall be required to notify their supervisor who will ensure a report is taken.
7. Ensure the department continues to preserve and label evidence relating to all immigration enforcement incidents in call disposition summaries, video repositories, and other reports, and to make a referral of felony matters to the California Attorney General or the Los Angeles County District Attorney.
8. Instruct the department to the extent allowed by law to publicly report aggregated data regarding incidents in which department officers have documented or received reports of suspected unlawful conduct by an immigration enforcement agent. The reports shall be made to the Board of Police Commissioners and the Office of the Mayor no less than monthly, and more frequently as based on the level of immigration enforcement activity.

I also hereby request the Board of Airport Commissioners, the Board of Harbor Commissioners, and the Board of Recreation and Parks Commissioners to report to the Office of the Mayor within 15 days of this order the measures being implemented by their respective police departments to address federal immigration enforcement activity on City property under their jurisdiction.

C. Identification of Federal Immigration Agents

California Senate Bills 627 and 805 (No Secret Police Act and No Vigilantes Act) prohibit a law enforcement officer from wearing a facial covering that obscures facial identity and requires a law enforcement officer that is not uniformed to visibly display identification including their agency and their name and/or badge number. The Senate bills also require a law enforcement agency to publicly post written policies addressing the agency's compliance with these new state laws.

On February 9, 2026, a federal judge granted the federal government's motion for a preliminary injunction against one portion of Senate Bill 627 (the no masking provision), as presently enacted, from being applied to federal agents. *United States v. State of California, et al.* (C.D. Cal. 25-10999). It is possible that the State of California will challenge this ruling, or that the State Legislature will amend Senate Bill 627 to resolve the legal concerns raised by the judge.

Once the applicability of Senate Bills 627 and 805 to federal law enforcement agencies and officers is judicially confirmed or the state enacts an amendment to address the concern in Senate Bill 627 raised by the judge, I request the Board of Police Commissioners do the following:

1. Inquire into all law enforcement agencies operating within the city to confirm they have timely publicly posted written policies regarding use of facial coverings and visible identification of sworn personnel consistent with the requirements of California Senate Bills 627 and 805. I request the Police Commission to file a verified written challenge to any law enforcement agency that is not in compliance with these bills; and
2. Direct the Police Chief to publish a directive to department officers about compliance and enforcement of the legal requirements in California Senate Bills 627 and 805.

D. Impacts of Use of Private Property for Immigration Enforcement

Furthermore, I hereby direct the Department of City Planning to prepare an ordinance and nexus study for presentation to the City Council imposing an impact fee on any owner of property in the City who gives site control to anyone for the purpose of conducting immigration enforcement and related activities on the owner's property.

E. Disclosures by City Contractors

Furthermore, I hereby direct the City Administrative Officer and Bureau of Contract Administration to work with the City Attorney's Office, which is requested to provide assistance, to prepare an ordinance for presentation to the City Council that would require all bidders on City contracts to disclose in writing any agreement the contractor has with the Department of Homeland Security, including specificity as to the federal agency within the department, the nature of the work, and the terms of compensation. The ordinance should require bidders to disclose all third-party data sharing. These requirements should also be incorporated into all new contracts and renewal of current contracts.

Executed this 10th day of February, 2026



KAREN BASS
Mayor