



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Angel Rios, Jr.

SUBJECT: See Below

DATE: December 5, 2025

Approved

Angel Rios, Jr.

Date:

12/19/25

COUNCIL DISTRICT: Citywide

SUBJECT: **Adoption of City Council Policy 7-15, Prohibiting the Use of City Parking Lots, Vacant Lots, and Garages for Civil Immigration Enforcement Staging Areas, Processing Locations, or Operation Bases**

RECOMMENDATION

- (a) Adopt a resolution approving City Council Policy 7-15, Prohibiting the Use of City Parking Lots, Vacant Lots, and Garages for Civil Immigration Enforcement Staging Areas, Processing Locations, or Operation Bases.
- (b) Direct the City Manager to implement City Council Policy 7-15.

SUMMARY AND OUTCOME

Adopting the proposed City Council Policy 7-15 will establish a City policy to restrict the use of City-owned or City-controlled parking lots, garages, and open spaces as staging areas, processing locations, or operations bases for civil immigration enforcement.

The policy establishes clear implementation guidelines, including standardized signage, property access controls where appropriate, and reporting requirements for City employees. Adoption will help preserve community trust and ensure consistent management of public property in alignment with the City Council policy.

BACKGROUND

On October 28, 2025, the City Council approved a memorandum submitted by Councilmembers Ortiz, Candelas, and Kamei directing the City Manager to coordinate with the City Attorney to prioritize identification of City-owned or City-controlled

HONORABLE MAYOR AND CITY COUNCIL

December 5, 2025

Subject: Adoption of City Council Policy 7-15, Prohibiting the Use of City Parking Lots, Vacant Lots, and Garages for Civil Immigration Enforcement Staging Areas, Processing Locations, or Operation Bases

Page 2

properties such as parking lots, garages, and open spaces that could be commandeered for civil immigration enforcement including staging, processing, or establishing an operational base; and to return with a policy that would restrict such activity.

The City Council direction followed reports in other parts of the country that municipal facilities were being commandeered for civil immigration enforcement without the consent of the local jurisdiction. The proposed policy builds on the City Council's reaffirmation in February 2025 (Resolution No. RES2025-19) of its commitment to protecting the rights and safety of immigrant communities. Staff have developed a proposed City Council policy in coordination with the City Attorney's Office.

ANALYSIS

The policy prohibits the use of City-owned or City-controlled parking lots, garages, and open spaces as staging areas, processing locations, or operations bases for civil immigration enforcement. It directs the Administration to identify applicable properties, post signage stating prohibited uses, and implement physical barriers such as gates where appropriate.

City employees who become aware of unauthorized use must report it through their supervisor to the City Manager and City Attorney. The policy authorizes the Administration to provide signage on City-owned or City-controlled properties, and to offer electronic templates for private property owners and leaseholders who wish to voluntarily replicate and post them. Use of such signage by private entities is entirely optional and at their own discretion and risk.

In addition, the Administration would be required to make available to the public Know-Your-Rights materials regarding the rights of employees, tenants, and security staff regarding entry by federal officials, consistent with California law and California Attorney General guidance.

The proposed policy would exempt any property that is subject to an existing lease, license, operator agreement, or other contractual restriction on the City. This policy is not intended to, and shall not be interpreted to, impair or interfere with such existing agreement. The policy does not restrict or interfere with the execution of lawful judicial warrants or the enforcement of criminal law, nor does it limit the rights of any person or entity under state or federal law. This policy does not prohibit the lawful use of City-owned or City-controlled property for purposes other than a staging area, processing location, or operation base for civil immigration enforcement, nor does it restrict any person or entity from carrying out functions unrelated to those purposes on such property. For example, federal officials present at the San José Mineta International

HONORABLE MAYOR AND CITY COUNCIL

December 5, 2025

Subject: Adoption of City Council Policy 7-15, Prohibiting the Use of City Parking Lots, Vacant Lots, and Garages for Civil Immigration Enforcement Staging Areas, Processing Locations, or Operation Bases

Page 3

Airport to operate the TSA checkpoints and customs for aviation purposes would not be impacted by the proposed policy.

The proposed policy supports local control of limited City resources, provides clear direction to City staff, and reinforces the City's stated goal of safe and equitable access to public spaces as outlined in the 2025–2030 Welcoming San José Plan. The proposed policy is drafted in compliance with state and federal law.

The number of City-owned or City-controlled properties potentially impacted by this policy is subject to change as properties are acquired or sold over time. Currently, the Administration has identified approximately 11 City garages and parking lots, along with 75 library and community center sites that include publicly accessible parking. While the City owns and controls several hundred vacant parcels, most are not applicable to this policy due to the location, because they are located along creeks or are not accessible for public parking. The list of applicable sites will be reviewed and updated periodically as property ownership changes or new parcels are identified.

EVALUATION AND FOLLOW-UP

The Administration will develop implementation procedures within 30 days of the policy's effective date, including guidance on signage, reporting protocols, and property access controls, as outlined in the policy. Any further updates or policy adjustments will be brought forward to the appropriate City Council Committee as needed.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the January 13, 2026 City Council meeting.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

HONORABLE MAYOR AND CITY COUNCIL

December 5, 2025

Subject: Adoption of City Council Policy 7-15, Prohibiting the Use of City Parking Lots, Vacant Lots, and Garages for Civil Immigration Enforcement Staging Areas, Processing Locations, or Operation Bases

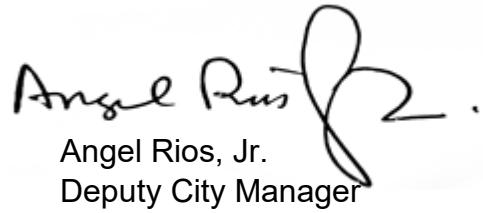
Page 4

CEQA

Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.



Angel Rios, Jr.
Deputy City Manager

For questions, please contact Angel Rios, Deputy City Manager,
angel.rios@sanjoseca.gov.

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING COUNCIL POLICY 7-15, PROHIBITING THE USE OF CITY PARKING LOTS, VACANT LOTS, AND GARAGES FOR CIVIL IMMIGRATION ENFORCEMENT STAGING AREAS, PROCESSING LOCATIONS, OR OPERATION BASES

WHEREAS, the City of San José (“City”) is home to one of the largest immigrant communities in the nation, which play a central role in the cultural, social, and economic fabric of the City; and

WHEREAS, in recent weeks and months, City has observed across the country the commandeering of city-owned facilities for immigration enforcement, an activity that is solely the responsibility of the federal government; and

WHEREAS, the use of City property for the federal government’s immigration enforcement activities ignores the intended purposes of such assets and undermines City’s authority over its own property; and

WHEREAS, City recognizes the need for a policy to identify City-owned or City-controlled properties such as parking lots, garages, and open spaces that could be commandeered by the federal government for civil immigration enforcement including staging, processing, or establishing an operational base; and

WHEREAS, on October 22, 2025, the Rules and Open Government Committee directed the City Manager to identify City-owned and controlled properties, and to develop a policy to ensure City properties and facilities are only used for City purposes; and

WHEREAS, the City Council desires to establish a new Council Policy No. 7-15, entitled “Prohibiting the Use of City Parking Lots, Vacant Lots, and Garages for Civil

Immigration Enforcement Staging Areas, Processing Locations, or Operation Bases", that includes guidelines, including standardized signage, property access controls where appropriate, and reporting requirements for City employees;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

Council Policy 7-15, "Prohibiting the Use of City Parking Lots, Vacant Lots, and Garages for Civil Immigration Enforcement Staging Areas, Processing Locations, or Operation Bases", which is attached hereto as Exhibit A and incorporated herein by this reference as though fully set forth herein, which will help preserve community trust and ensure consistent management of City public property, is hereby approved.

ADOPTED this _____ day of _____, 2026, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

EXHIBIT A

City of San José, California

COUNCIL POLICY

| TITLE | PAGE | POLICY NUMBER |
|--|---------------------|----------------------|
| PROHIBITING THE USE OF CITY PARKING LOTS, VACANT LOTS, AND GARAGES FOR CIVIL IMMIGRATION ENFORCEMENT STAGING AREAS, PROCESSING LOCATIONS, OR OPERATION BASES | 1 of 5 | 7-15 |
| EFFECTIVE DATE | REVISED DATE | |

APPROVED BY COUNCIL ACTION

I. BACKGROUND AND PURPOSE

The City of San José's many immigrant communities play a central role in the cultural, social, and economic fabric of the City. San José has a history of commitment to preserving the safety and integrity of all its residents, regardless of national origin or legal status. San Jose recognizes that public safety is best achieved through trust and collaboration between residents and local government.

On February 4, 2025, the City Council adopted RES2025-19 reaffirming its commitment to protecting the rights and safety of immigrant communities. Specifically, the City continues the longstanding San José Police Department's policy that its officers will not arrest persons merely for their unlawful presence in the United States; that no undocumented immigrants should fear arrest or deportation for coming forward to report a crime as a victim or a witness; and that no undocumented immigrants should fear arrest or deportation by contacting any employee of the City of San José to express concerns or to ask questions. No City employee will voluntarily support immigration enforcement actions that target San José residents solely based on their immigration status.

On October 28, 2025, the City Council approved a motion to prioritize identification of City-owned properties such as parking lots, garages, and open spaces that could be commandeered for civil immigration enforcement activities including staging, processing, or establishing an operational base; and to return with a policy that would restrict such activity. The City Council direction stemmed from events in other parts of the country where publicly owned or controlled facilities have been commandeered for civil immigration enforcement, an activity that is solely the responsibility of the federal government. The unauthorized use of City resources, property, or personnel to facilitate

| TITLE PROHIBITING THE USE OF CITY PARKING LOTS, VACANT LOTS, AND GARAGES FOR CIVIL IMMIGRATION ENFORCEMENT STAGING AREAS, PROCESSING LOCATIONS, OR OPERATION BASES | PAGE 2 of 3 | POLICY NUMBER 7-15 |
|---|-----------------------|------------------------------|
|---|-----------------------|------------------------------|

civil immigration enforcement actions interferes with the City's authority over, and its use of, its own resources, property, and personnel.

II. POLICY

A. Prohibition on Use of City Parking Lots, Garages, and Open Spaces

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

B. Implementation and Enforcement

The Administration shall identify City-owned or City-controlled parking lots, garages, or open spaces that are likely to be used as a staging area, processing location, or operations base for the purpose of civil immigration enforcement. These properties shall have clear signage stating:

This property is owned or controlled by the City of San José.

It may only be used for City purposes, and may not be used for civil immigration enforcement Staging Areas, Processing Locations, or Operations Bases.

The Administration shall ensure that, wherever appropriate, physical barriers such as locked gates are used to limit access to City-owned or City-controlled parking lots, garages, or open space consistent with this policy.

The Administration shall develop procedures necessary to implement the policy. The procedures must provide that any City employee who becomes aware of the attempted or actual use of a City-owned or City-controlled parking lot, garage, or open space as a staging area, processing location, or operation base for civil immigration enforcement shall immediately report to their supervisor, who will communicate with the offices of the City Manager and City Attorney.

C. Private Property Signage

The Administration shall provide electronic copy of standardized signage that private landowners and leaseholders could print and display to delineate the non-public areas of the property in which they wish to restrict activities related to civil immigration enforcement. The signage shall be made 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 designate their property consistent with their authority over the property and who voluntarily request such

| TITLE | PAGE | POLICY NUMBER |
|--|--------|---------------|
| PROHIBITING THE USE OF CITY PARKING LOTS, VACANT LOTS, AND GARAGES FOR CIVIL IMMIGRATION ENFORCEMENT STAGING AREAS, PROCESSING LOCATIONS, OR OPERATION BASES | 3 of 3 | 7-15 |

signage from the City. Landowners and leaseholders that post this signage do so at their own discretion and assume all legal risk.

The Administration shall make available to the public know your rights materials regarding the rights of employees, tenants and security staff regarding entry by federal officials consistent with California law and California Attorney General guidance.

D. Scope

This policy does not apply to property that is subject to an existing lease, license, operator agreement, or other contractual restriction to which the City is a party. This policy is not intended to, and shall not be interpreted to, impair or interfere with such existing agreement.

Nothing in this policy 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 policy does not prohibit the lawful use of City-owned and controlled property for purposes other than a staging area, processing location, or operation base for civil immigration enforcement, nor does it restrict any person or entity from carrying out functions unrelated to those purposes on such property.

III. 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.

“Processing Location” means an area that is used for activities such as the identification, intake, processing of documentation, detention, arrest, or temporary holding of individuals.

“Operation Base” means an area that is used to plan, coordinate and execute activities.