



126983

**DATE:** December 9, 2025

**TO:** Board of Supervisors

**FROM:** Tony LoPresti, County Counsel

**SUBJECT:** Restricting the Use of County Properties For Civil Immigration Enforcement Activity

### **RECOMMENDED ACTION**

Under advisement from October 21, 2025 (Item No. 11): Adopt Board Policy Resolution adding Board of Supervisors' Policy 3.75 relating to Limiting Use of County Property to Uses That Further County Purposes, and Board of Supervisors' Policy 3.76 relating to Access to County Services, and direct the Clerk of the Board to include the Policies in the Board of Supervisors' Policy Manual. (Office of the County Counsel)

### **FISCAL IMPLICATIONS**

The recommended action will require creating and posting any new signage at certain County-owned or County-controlled properties. Administration will address relevant staffing and budget implications at the mid-year budget cycle as part of its report on the County immigration enforcement response workplan, presented on October 21, 2025 (Item No. 15), but currently estimates that signage across the County's facilities may cost approximately \$319,000.

### **REASONS FOR RECOMMENDATION**

At the Board of Supervisors meeting on October 21, 2025, the Board approved a referral from Supervisor Arenas (Item No. 11) requesting that Administration report to the Board with a proposed County policy that restricts the use of County-owned and County-controlled properties for federal civil immigration enforcement activity. The referral identified several specific steps for Administration and County Counsel to consider in response.

This report—a collaboration between Administration and County Counsel—responds to the referral by (1) examining relevant recent federal civil immigration enforcement activities and policy responses from other local governments; (2) reviewing the County's relevant existing policies, ordinances, and initiatives; and (3) summarizing two proposed new Board Policies, section 3.75 relating to Limiting Use of County Property to Uses That Further County

Purposes, and section 3.76 relating to Access to County Services.

## A. Recent Federal Civil Immigration Enforcement Activities and Policy Responses from Other Local Governments

Federal civil immigration enforcement activity throughout the United States has escalated dramatically in recent months. In June, the federal government deployed thousands of California National Guard members and hundreds of Marines to the Los Angeles area for the ostensible purpose of quelling protests over the enforcement of immigration law, in a manner that was found to be unlawful by a federal court.<sup>1</sup> In September, the federal government deployed hundreds of Texas and California National Guard members to the City of Portland for the same ostensible purpose, in a manner that was found to be unlawful by the U.S. District Court for the District of Oregon.<sup>2</sup> And, in October, the federal government deployed hundreds of Texas and Illinois National Guard members to the Chicago for the same ostensible purpose, in a manner that yet another federal court likewise found unlawful.<sup>3</sup> In late November, large-scale immigration enforcement activity hit Charlotte and the Raleigh/Durham area in North Carolina, and news reports indicate New Orleans may be next.

Additionally, on July 4, 2025, President Trump signed H.R. 1, sometimes called the “Big Beautiful Bill,” into law. H.R. 1 allocated \$45 billion to U.S. Immigration and Customs Enforcement (ICE) to build new immigration detention centers, giving ICE a budget that is 62 percent larger than the budget for the entire federal prison system.<sup>4</sup> H.R. 1 also allocated just under \$30 billion toward ICE’s enforcement and deportation operations, increasing ICE’s budget for those operations three-fold.<sup>5</sup> Detention and deportation rates had already risen dramatically under the Trump Administration, and civil immigration enforcement activities are expected to ramp up even more following these massive budget allocations, which ironically came within the same bill that imposed unprecedented cuts to healthcare and food assistance that were purportedly necessary to help fund tax cuts.

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<sup>1</sup> See Opinion Granting Injunctive Relief, *Newsom v. Trump*, No. 25-cv-04870 (N.D. Cal. Sept. 2, 2025), available at [https://storage.courtlistener.com/recap/gov.uscourts.cand.450934/gov.uscourts.cand.450934.176.0\\_1.pdf](https://storage.courtlistener.com/recap/gov.uscourts.cand.450934/gov.uscourts.cand.450934.176.0_1.pdf).

<sup>2</sup> See Findings of Fact and Conclusions of Law, *Oregon v. Trump*, No. 25-cv-01756 (D. Or. Nov. 7, 2025), available at <https://storage.courtlistener.com/recap/gov.uscourts.ord.189270/gov.uscourts.ord.189270.146.0.pdf>.

<sup>3</sup> See Opinion and Order, *Illinois v. Trump*, No. 25-cv-12174 (N.D. Ill. Oct. 10, 2025), available at <https://www.courtlistener.com/docket/71559895/70/state-of-illinois-v-trump/>.

<sup>4</sup> Migration Policy Institute, *U.S. Immigration Detention Grows to Record Heights Under Trump Administration* (Oct. 29, 2025), available at <https://www.migrationpolicy.org/article/trump-immigrant-detention>.

<sup>5</sup> Center for American Progress, *Congressional Republicans’ One Big Beautiful Bill Act Creates an Unaccountable Slush Fund for the Trump Administration’s Deportation Force* (Sept. 19, 2025), available at <https://www.americanprogress.org/article/congressional-republicans-one-big-beautiful-bill-act-creates-an-unaccountable-slush-fund-for-the-trump-administrations-deportation-force/>.

This rise in federal civil immigration enforcement activity has been accompanied by reports that federal immigration agents are using parking lots—including parking lots owned and controlled by local governments—to stage their immigration enforcement operations. Most prominently, over the past three months in Chicago, federal immigration agents have been seen in the West Chicago Police Department and other city parking lots and vacant lots, outside Cook County courthouses, in Chicago's O'Hare International Airport rideshare parking lot, and in the parking lots of Chicago public schools.<sup>6</sup> Federal immigration agents have also been seen staging in the parking lots of the Hammond Police Department in Indiana and the Ventura Police Department in California.<sup>7</sup> Continuing alongside this newer use of government-owned and government-controlled parking lots is the use of privately owned commercial parking lots for staging civil immigration enforcement operations.<sup>8</sup>

Local governments have responded to the use of their parking lots in various ways, including by establishing new or expanded policies. On October 6, Chicago Mayor Brandon Johnson issued Executive Order No. 2025-8, which provides, among other things, that “[n]o 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”; that City staff should identify properties that have been or likely will be used for those three prohibited civil immigration enforcement purposes; that “City Departments and Agencies shall ensure that all such properties have clear signage” designating city ownership and listing prohibited purposes; and that “implementing procedures shall provide that any City employee who becomes aware of the attempted or actual use” of City property for prohibited purposes must immediately elevate the issue to the Office of the Mayor and to counsel. Other local jurisdictions, including in California, have followed this Board's lead and are contemplating similar policies.<sup>9</sup> These efforts are a response to comparable threats in this region: in late

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<sup>6</sup> Mitchell Armentrout and Sophie Sherry, *Federal agents make immigration arrests in West Chicago and at West Side courthouse*, CHICAGO SUN-TIMES (Sept. 15, 2025), available at <https://chicago.suntimes.com/immigration/2025/09/15/ice-west-chicago-arrests-federal-agents-immigration>; Randy Gyllenhaal and Izzy Stroobandt, *11 detained during immigration raid at O'Hare rideshare parking lot*, NBC 5 CHICAGO (Oct. 18, 2025), available at <https://www.nbcchicago.com/news/local/11-detained-during-immigration-raid-at-ohare-rideshare-parking-lot/3840456/>; Victor Jacobo, *Little Village leaders urge Mayor Brandon Johnson to do more to stop ICE agents from using city property*, CBS NEWS (Oct. 29, 2025), <https://www.cbsnews.com/chicago/news/little-village-mayor-brandon-johnson-executive-order-ice-agents-city-property/>; City of Chicago Exec. Order No. 2025-8 (Oct. 6, 2025).

<sup>7</sup> Andy Koval, *Hammond mayor issues statement after ICE stages in police department's parking lot*, WGN 9 NEWS (Oct. 9, 2025), <https://wgntv.com/northwest-indiana/hammond-mayor-issues-statement-after-ice-stages-in-police-departments-parking-lot/>; Ventura Police Department (@venturapolice), INSTAGRAM, <https://www.instagram.com/p/DK2OF1ANINE/?hl=en> (June 13, 2025).

<sup>8</sup> See, e.g., Alina Selyukh and Liz Baker, *Home Depot keeps quiet on immigration raids outside its doors*, NPR (Aug. 19, 2025), <https://www.npr.org/2025/08/19/nx-s1-5504124/home-depot-earnings-immigration-raids-day-laborers>; Lexis-Olivier Ray, *Federal Immigration Agents Spotted In Dodgers Parking Lot, Day After Championship Parade*, L.A. TACO (Nov. 4, 2025), <https://lataco.com/dodgers-parking-lot-ice>.

<sup>9</sup> Laura Waxmann, *S.F. supervisor wants to create 'ICE-free' zones but details are unclear*, SAN FRANCISCO CHRONICLE (Oct. 24, 2025), <https://www.sfgate.com/sf/article/s-f-supervisor-works-on-plan-for-ice-free-21118302.php>; Letter from Supervisor Nikki Fortunato Bas to Honorable Board of Supervisors (Oct. 31, 2025), available at [https://www.acgov.org/board/bos\\_calendar/documents/DocsAgendaReg\\_TogforAll\\_10\\_6\\_25/GENERAL%20ADMINISTRATION%20Calendar/Item\\_1%20ICE%20free%20zones.pdf](https://www.acgov.org/board/bos_calendar/documents/DocsAgendaReg_TogforAll_10_6_25/GENERAL%20ADMINISTRATION%20Calendar/Item_1%20ICE%20free%20zones.pdf); Memorandum from Councilmembers Ortiz, Candelas, and Kamei to Rules Board of Supervisors: Sylvia Arenas, Betty Duong, Otto Lee, Susan Ellenberg, Margaret Abe-Koga

October, at the eleventh hour, the federal government called off a planned civil immigration enforcement push in the San Francisco Bay Area.<sup>10</sup>

## B. The County's Existing Policies, Ordinances, and Practices

Santa Clara County is home to a diverse and vibrant community of people representing many races, ethnicities, and national origins, among other personal identities and characteristics. Approximately 42 percent of all county residents are foreign born, and approximately 56 percent speak a language other than English at home.<sup>11</sup> Immigrant households are a driving force in the local economy, generating over a billion dollars in business income and paying tens of billions of dollars in federal, state, and local taxes every year.<sup>12</sup> Immigrant residents also contribute significantly to the social and cultural vitality of the county, which enjoys low crime rates and positive health outcomes compared to other counties.<sup>13</sup> The County is committed to fostering a relationship of trust, respect, and open communication between County government and the immigrant community. This relationship promotes public health and safety for all residents of Santa Clara County, such that residents can feel empowered to report crimes to County law enforcement officials and to use County services without fear of being reported to federal civil immigration enforcement officials.

Consistent with this mission, the County has a variety of policies, ordinances, and initiatives to foster trust with immigrant communities and, more broadly, to ensure that County resources are reserved for uses that further County purposes:

- Board Policy 3.54 provides, among other things, that “the County shall not provide assistance or cooperation to ICE in its civil immigration enforcement efforts, including by giving ICE agents access to individuals or allowing them to use County facilities

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and Open Government Committee (Oct. 22, 2025), available at <https://sanjose.legistar.com/View.ashx?M=F&ID=14872328&GUID=4F581635-49A7-42A2-9B87-D04220241D23>; Alex N. Gecan, *Berkeley to ICE: Stay off city property*, BERKELEYSIDE (Oct. 29, 2025), <https://www.berkeleyside.org/2025/10/29/berkeley-property-inventory-ban-immigration-agents>.

<sup>10</sup> Nathan Frandino, *Immigration surge called off for entire San Francisco Bay Area, officials say*, REUTERS (Oct. 24, 2025), <https://www.reuters.com/world/us/immigration-surge-called-off-entire-san-francisco-bay-area-officials-say-2025-10-24/>.

<sup>11</sup> U.S. Census Bureau, *American Community Survey 1-year estimates* (2023), <http://censusreporter.org/profiles/05000US06085-santa-clara-county-ca/>.

<sup>12</sup> American Immigration Council, *New Americans in Santa Clara County* 4, 7 (Sept. 2023), available at [https://www.americanimmigrationcouncil.org/wp-content/uploads/2025/01/new\\_americans\\_in\\_santaclaracounty\\_sept2023\\_0.pdf](https://www.americanimmigrationcouncil.org/wp-content/uploads/2025/01/new_americans_in_santaclaracounty_sept2023_0.pdf).

<sup>13</sup> See, e.g., Public Policy Institute of California, *Crime Trends in California* (Jan. 2025) (reflecting that property crime decreased by 10.6% in 2023), available at [https://www.ppic.org/wp-content/uploads/JTF\\_CrimeTrendsJTF.pdf](https://www.ppic.org/wp-content/uploads/JTF_CrimeTrendsJTF.pdf); University of Wisconsin Population Health Institute, *County Health Rankings & Roadmaps: Life Expectancy* (reflecting that the average life expectancy in Santa Clara County is 84.1 years whereas the average life expectancy in the State of California is 79.7 years), <https://www.countyhealthrankings.org/health-data/population-health-and-well-being/length-of-life/life-span/life-expectancy?year=2025&county=06085> (last visited Nov. 16, 2025).

for investigative interviews or other purposes, expending County time or resources responding to ICE inquiries or communicating with ICE regarding individuals' incarceration status or release dates, or otherwise participating in any civil immigration enforcement activities.”

- Board Policy 3.44 requires a written agreement for all non-County organizations to use County facilities and authorizes the County Executive to negotiate, amend, and execute space-use agreements.
- County Ordinance Code section A25-396 provides that “County buildings and other facilities may be made available for use by County employees or an employee organization or their representatives in accordance with administrative procedures governing such use.”
- County Ordinance Code section B12-157 sets forth regulations and signage guidance for designated parking, reserved parking, and parking for disabled persons.
- County Ordinance Code section B13-10 restricts access to “areas of public buildings of public agencies which are enclosed by signs reading ‘Employees Only—Not Open to the Public.’”
- The Facilities and Fleet Department periodically inventories County-owned and County-controlled real property. The Department last updated its Managed Leased Portfolio and the County Land Asset Inventory List on April 11, 2025, the latter of which includes a listing of County-owned and County-controlled parking lots, vacant lots, and parking garages.<sup>14</sup>
- The Board of Supervisors allocated \$5 million in late 2024, and the County has earmarked more than \$8 million in its FY25–26 budget, to support immigration-related legal services, outreach, and rapid response.<sup>15</sup>

## C. Proposed Board Policy 3.75 Relating to Limiting Use of County Property to Uses That Further County Purposes

As directed by the Board, Administration and County Counsel recommend adding Board Policy 3.75 relating to Limiting Use of County Property to Uses That Further County

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<sup>14</sup> The Managed Leaseed Portfolio is available at [https://files.santaclaracounty.gov/exjcpb1456/2025-04/faf-managed-leased-portfolio-2025\\_0.xlsx?VersionId=pqQCA\\_9X1e1xzo7tCzu2WXVnyD7m8U50](https://files.santaclaracounty.gov/exjcpb1456/2025-04/faf-managed-leased-portfolio-2025_0.xlsx?VersionId=pqQCA_9X1e1xzo7tCzu2WXVnyD7m8U50); the County Land Asset Inventory List is available at [https://files.santaclaracounty.gov/exjcpb1456/2025-04/county-land-asset-inventory-list-2025\\_0.xlsx?VersionId=JI0rqftlBpTW8XomvTYKh8LXQY2YUzr4](https://files.santaclaracounty.gov/exjcpb1456/2025-04/county-land-asset-inventory-list-2025_0.xlsx?VersionId=JI0rqftlBpTW8XomvTYKh8LXQY2YUzr4).

<sup>15</sup> County of Santa Clara News Center, *County of Santa Clara Allocates Additional Funding for Rapid Response as Immigration Enforcement Activity Escalates in California* (June 20, 2025), <https://news.santaclaracounty.gov/county-santa-clara-allocates-additional-funding-rapid-response-immigration-enforcement-activity>.

Purposes. Proposed Board Policy 3.75 states the following:

- (A) No County-owned or County-controlled parking lot, vacant lot, or parking garage shall be used for any purpose not expressly authorized by the County, including, for example, as a staging area, processing location, or operations base for federal civil immigration enforcement activities.
- (B) No County department, agency, officer, or employee shall give consent for federal officials to use a County-owned or County-controlled parking lot, vacant lot, or parking garage as a staging area, processing location, or operations base for federal civil immigration enforcement activities, and no such purported consent by a County department, agency, officer, or employee shall be deemed consent by the County for any such use.
- (C) No County department, agency, officer, or employee shall give consent for federal officials to access or use non-public areas of County facilities for purposes of civil immigration enforcement without a valid arrest warrant signed by a federal or state judicial officer, or other signed writ or order from a federal or state judicial officer authorizing such access, and no such purported consent by a County department, agency, officer, or employee shall be deemed consent by the County for any such access or use.
- (D) The County Executive, in consultation with the Office of the County Counsel, shall ensure that all County-owned and/or County-controlled parking lots, vacant lots, and parking garages, and non-public areas of County-owned and/or County-controlled facilities, have clear signage designating that the property is owned and/or controlled by the County and cannot be used for any purpose not expressly authorized by the County.
- (E) The County Executive shall ensure implementation of this policy.
- (F) This policy shall not impair any lease, license, or other property interest or contractual restriction in existence prior to December 31, 2025.
- (G) 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.

Administration and County Counsel have drafted Board Policy 3.75 to be responsive to the rise in federal civil immigration enforcement activity (detailed above) and consistent with

federal law, California law, and the County's existing policies and initiatives (detailed above).

## **D. Proposed Board Policy 3.76 Relating to Access to County Services**

Over the past 15 years, the Board has frequently articulated policies supportive of the principles outlined above—in particular, affirming that the County is committed to fostering a relationship of trust, respect, and open communication between County government and all community members, regardless of immigration status, in order to promote the public health and welfare of all residents and to ensure that residents feel empowered to contact the County and use County services without fear that they or their loved ones will risk being reported to federal civil immigration enforcement authorities. These pre-existing policy statements, which include practices that County staff must follow, would benefit from being gathered in a single location easily accessible by staff. The proposed Board Policy 3.76 would achieve this aim by collecting existing policy statements of the Board and organizing them within the framework of the Board Policy Manual.

### **CHILD IMPACT**

The recommended actions would have a positive impact on children and youth, particularly immigrant youth, as measured by the County indicators **“Safe and Stable Families,”** **“Healthy Lifestyle,”** and **“Youth Feel Valued by the Community.”** Limiting the use of County property to uses that further County purposes would (1) foster a relationship of trust, respect, and open communication between County government and county residents—including immigrant youth and their families—which is essential to upholding the County’s mission of ensuring public health and safety and serving the needs of the entire community; (2) encourage all residents of Santa Clara County—including immigrant youth and their families—to report public safety concerns to County law enforcement officials and to use County services without fear of being reported to federal civil immigration enforcement officials; (3) conserve local resources to promote public health and safety and sustain the vital services on which the entire community depends, including immigrant youth; and (4) send the message that immigrant youth and their families are valued in the county.

### **SENIOR IMPACT**

The recommended actions would have a positive impact on seniors, particularly immigrant seniors. Limiting the use of County property to uses that further County purposes would (1) foster a relationship of trust, respect, and open communication between County government and county residents—including immigrant seniors and their families—which is essential to upholding the County’s mission of ensuring public health and safety and serving the needs of the entire community; (2) encourage all residents of Santa Clara County—including immigrant seniors and their families—to report public safety concerns to County law enforcement officials and to use County services without fear of being reported to federal civil immigration enforcement officials; (3) conserve local resources to promote public health

and safety and sustain the vital services on which the entire community depends, including immigrant seniors; and (4) send the message that immigrant seniors and their families are valued in the county.

## **SUSTAINABILITY IMPLICATIONS**

The recommended actions would have a positive impact on sustainability, especially on the County priority areas “**Community Health and Well-Being**” and “**Prosperous and Just Economy**.” Limiting the use of County property to uses that further County purposes would (1) foster a relationship of trust, respect, and open communication between County government and county residents, which is essential to upholding the County’s mission of ensuring public health and safety and serving the needs of the entire community; (2) encourage all residents of Santa Clara County to report public safety concerns to County law enforcement officials and to use County services without fear of being reported to federal civil immigration enforcement officials; (3) conserve local resources to promote public health and safety and sustain the vital services on which the entire community depends; and (4) send the message that immigrants and their families—including County employees—should feel empowered to participate in the civic and economic life of the county.

## **STEPS FOLLOWING APPROVAL**

The Clerk of the Board shall update the Board Policy Manual. Administration, in consultation with County Counsel, shall audit existing signage for all County-owned and County-controlled parking lots, vacant lots, and parking garages, and shall explore new signage designating that such property is owned and controlled by the County and cannot be used for any non-County purpose without express permission from the County.

## **ATTACHMENTS:**

- Board Policy Resolution ICE-Free Zone (PDF)

**POLICY RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY  
OF SANTA CLARA ADDING BOARD POLICY 3.75 RELATING TO  
LIMITING THE USE OF COUNTY PROPERTY TO  
USES THAT FURTHER COUNTY PURPOSES  
AND BOARD POLICY 3.76 RELATING TO ACCESS TO COUNTY  
SERVICES**

**WHEREAS**, Santa Clara County is home to a diverse and vibrant community of people representing many races, ethnicities, and national origins, among other personal identities and characteristics, and the County affirms its commitment to ensuring dignity and respect for all residents, regardless of immigration status;

**WHEREAS**, the Board of Supervisors recognizes that fostering a relationship of trust, respect, and open communication between County government and county residents is essential to upholding the County's mission of ensuring public health and safety and serving the needs of the entire community;

**WHEREAS**, in this time of economic difficulties, the Board of Supervisors remains committed to using local resources to promote public health and safety and sustain the vital services on which the entire community depends, and recognizes that the best way to achieve those priorities is to foster an environment of inclusiveness and trust between the County government and all county residents;

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

**WHEREAS**, the County has longstanding policies that support its immigrant residents and promote relationships of trust and rapport between County government and county residents, including Board of Supervisors Policy Manual 3.54; and the County has successfully defended its existing policies as consistent with the United States Constitution, federal law, and California law;

**WHEREAS**, the County has a strong interest in ensuring its policies concerning the use of County-owned and County-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 County and consistent with the County's use of its limited discretionary resources to focus on County purposes;

**WHEREAS**, the Board of Supervisors wishes to give direction and set policy for such matters for which the responsibility of decision is placed on them by virtue of State codes,

County Charter, or specific ordinances and resolutions, or relates to its broad policy-making authority to matters regarding Santa Clara County;

**WHEREAS**, the Board of Supervisors wishes to clearly state and compile policies and to provide for distribution of these policies to affected decision makers; and

**WHEREAS**, the Policy Manual is not set by ordinance, is not legally binding, and can be changed by adoption of a resolution approved by a majority of the Board of Supervisors and is intended to give guidance to staff and future Boards of Supervisors;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of the County of Santa Clara, State of California, that the Board of Supervisors' Policy Manual is hereby amended by adoption of this resolution to add Board Policy 3.75, attached hereto as Exhibit A and incorporated herein, and Board Policy 3.76, attached hereto as Exhibit B and incorporated herein, and the Clerk of the Board is directed to incorporate these policies into the manual so that it is available to all County staff;

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**BE IT FURTHER RESOLVED** that, to the extent any component of any prior Board Resolution covers identical or similar subjects as this Resolution or Board Policies 3.54, 3.75, or 3.76, any such components are hereby superseded by this Resolution and Board Policies 3.54, 3.75, and 3.76.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Santa Clara, State of California, on \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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OTTO LEE, President  
Board of Supervisors

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.

ATTEST:

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CURTIS BOONE  
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

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for TONY LOPRESTI  
County Counsel

Exhibits to this Resolution:

- A – Board Policy Manual Section 3.75 relating to Limiting the Use of County Property to Uses That Further County Purposes
- B – Board Policy Manual Section 3.76 relating to Access to County Services

## EXHIBIT A

### **3.75 LIMITING USE OF COUNTY PROPERTY TO USES THAT FURTHER COUNTY PURPOSES**

Board Policy 3.54, Cooperation with U.S. Immigration and Customs Enforcement, provides in subsection (C) that “Except as permitted by this Policy, the County shall not provide assistance or cooperation to ICE in its civil immigration enforcement efforts, including by giving ICE agents access to individuals or allowing them to use County facilities for investigative interviews or other purposes,” but that the “Policy does not limit or prohibit giving assistance with the investigative activities of any local, state, or federal law enforcement agency relating to suspected violations of criminal laws.” In addition to the limitations set forth in Board Policy 3.54(C), it is the policy of the County of Santa Clara that *all* real property belonging to the County or subject to the County’s control shall be used in a manner that furthers County purposes as follows:

- (A) No County-owned or County-controlled parking lot, vacant lot, or parking garage shall be used for any purpose not expressly authorized by the County, including, for example, as a staging area, processing location, or operations base for federal civil immigration enforcement activities.
- (B) No County department, agency, officer, or employee shall give consent for federal officials to use a County-owned or County-controlled parking lot, vacant lot, or parking garage as a staging area, processing location, or operations base for federal civil immigration enforcement activities, and no such purported consent by a County department, agency, officer, or employee shall be deemed consent by the County for any such use.
- (C) No County department, agency, officer, or employee shall give consent for federal officials to access or use non-public areas of County facilities for purposes of civil immigration enforcement without a valid arrest warrant signed by a federal or state judicial officer, or other signed writ or order from a federal or state judicial officer authorizing such access, and no such purported consent by a County department, agency, officer, or employee shall be deemed consent by the County for any such access or use.
- (D) The County Executive, in consultation with the Office of the County Counsel, shall ensure that all County-owned and/or County-controlled parking lots, vacant lots, and parking garages, and non-public areas of County-owned and/or County-controlled facilities, have clear signage designating that the property is owned and/or controlled by the County and cannot be used for any purpose not expressly authorized by the County.
- (E) The County Executive shall ensure implementation of this policy.
- (F) This policy shall not impair any lease, license, or other property interest or contractual restriction in existence prior to December 31, 2025.

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 Relating to Limiting the Use of County Property to Uses  
 That Further County Purposes and Board Policy 3.76  
 Relating to Access to County Services

(G) 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.

## EXHIBIT B

### 3.76 ACCESS TO COUNTY SERVICES

It is the policy of the Board of Supervisors that:

- (A) No County department, agency, officer, or employee shall initiate any inquiry or civil enforcement action based solely on a person's actual or suspected immigration status, national origin, race, ethnicity, and/or actual or suspected inability to speak English.
- (B) No County department, agency, officer, or employee shall use any County funds, resources, or personnel to investigate, question, apprehend, or arrest an individual solely for an actual or suspected civil violation of federal immigration law.
- (C) No County department, agency, officer, or employee shall condition the provision of County services or benefits on the citizenship or immigration status of the individual except where such conditions are lawfully imposed by federal or state law or local public assistance eligibility criteria.
- (D) No County department, agency, officer, or employee who collects information for the purpose of determining eligibility for services or benefits; for seeking reimbursement from federal, state, or third-party payors; or in the course of providing County services to clients shall use any County funds or resources to provide that information to U.S. Immigration and Customs Enforcement (ICE) for purpose of assisting in the enforcement of federal civil immigration law, except as mandated by state or federal law, including but not limited to 8 U.S.C. § 1373.
- (E) The County calls on ICE agents performing official business in the County to identify themselves as federal immigration officers, to make clear that they are not officers, agents, or employees of the County, and to comply with legal mandates to refrain from racial profiling and to respect the due process rights of county residents, including but not limited to providing all required warnings concerning an individual's right to remain silent, the right not to sign documents they do not understand, and the right to speak with a lawyer.
- (F) This Policy does not limit or prohibit any County officer or employee from investigating suspected violations of criminal law.
- (G) The County Executive shall ensure implementation of this policy.