

ORDINANCE NO. 2025-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINOLE ADDING CHAPTER 2.68 TO TITLE 2 OF THE PINOLE MUNICIPAL CODE RESTRICTING THE USE OF CITY-OWNED OR CITY-CONTROLLED PROPERTY FOR FEDERAL CIVIL IMMIGRATION ENFORCEMENT ACTIVITIES

WHEREAS, the City of Pinole is home to people of diverse racial, ethnic, and national backgrounds, including a large immigrant population; and

WHEREAS, immigrants are valuable and essential members of the City of Pinole community who contribute to the City's economic, civic, and cultural vitality; and

WHEREAS, a strong and trusting relationship between the City's immigrant communities and the City of Pinole, including its departments, programs, and personnel, is essential to the public safety and well-being of all residents; and

WHEREAS, this trust is undermined when state and local agencies become entangled with federal civil immigration enforcement, causing immigrant community members to fear reporting crimes, seeking health services, accessing City facilities, or engaging in civic life, which detracts from the safety and welfare of the entire community; and

WHEREAS, entanglement with federal civil immigration enforcement diverts limited City resources and blurs lines of accountability among local, state, and federal governments; and

WHEREAS, the federal government, through U.S. Immigration and Customs Enforcement (ICE), has undertaken broad civil immigration enforcement operations involving personnel from multiple federal agencies in ways that have generated concern among local communities; and

WHEREAS, state and local governments bear primary responsibility for ensuring the safety and well-being of their communities and possess the discretion and authority to adopt policies best suited to those communities; and

WHEREAS, the City of Pinole believes that public safety is best achieved through trust and collaboration between residents and their local government, not through the militarization or deputization of local resources in service of federal civil immigration enforcement; and

WHEREAS, current City policies do not explicitly restrict federal civil immigration enforcement agencies from using City-owned land or facilities for operations, staging, processing, or surveillance, and without such protections, City assets may be inadvertently weaponized against the very communities the City serves, undermining trust in local government; and

WHEREAS, the City seeks to implement an “ICE-Free Zone” ordinance to protect public safety, ensure community members feel safe accessing City services and facilities, and prevent voluntary use of City resources to support federal civil immigration enforcement; and

WHEREAS, the United States Supreme Court has long recognized that state and local governments retain primary authority over matters affecting the health, safety, and welfare of their residents, and that decisions concerning local public resources are best made by governments closest and most accountable to the people they serve; and

WHEREAS, respect for local police powers is a core principle of American federalism, reflected in the United States Constitution and widely affirmed in judicial precedent; and

WHEREAS, California Constitution Article XI, Section 7 grants cities the authority to enact and enforce ordinances that are not in conflict with general state law, including ordinances governing municipal property and local government operations; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines, this ordinance constitutes a general policy action that does not have the potential to cause a physical environmental impact and therefore is not a project subject to CEQA; and

WHEREAS, the City Council of the City of Pinole is the decision-making body for this ordinance and has reviewed and considered the CEQA determination before taking action to introduce and adopt this ordinance; and

WHEREAS, regulating the use of City-owned or City-controlled property, without regulating the conduct of federal agencies, is a lawful exercise of municipal authority and an appropriate and necessary means of promoting public safety, community trust, and the responsible use of public resources.

THE CITY COUNCIL OF THE CITY OF PINOLE DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS.

The above recitals are true and correct and made a part of this Ordinance.

SECTION 2. ADDITION OF CHAPTER 2.68 TO TITLE 2 OF THE PINOLE MUNICIPAL CODE

Title 2 of the Pinole Municipal Code is amended to add Chapter 2.68, to read as follows:

Chapter 2.68 – Use of City-Owned or City-Controlled Property for Civil Immigration Enforcement Activities

2.68.010 Purpose.

The purpose of this Chapter is to protect public safety, promote community trust, and ensure that City-owned or City-controlled property is not voluntarily used to support federal civil immigration enforcement activities except when mandated by a valid judicial warrant or court order.

2.68.020 Definitions.

For purposes of this Chapter:

“Civil Immigration Enforcement” means any investigation, detention, arrest, surveillance, monitoring, questioning, information-gathering, or operational activity undertaken for the primary purpose of enforcing federal civil immigration laws, including actions by U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP).

“City Property” or “City-Owned or City-Controlled Property” means any real or personal property, land, building, facility, structure, vehicle, equipment, or space owned, leased, operated, or controlled by the City of Pinole.

“Judicial Warrant or Court Order” means a warrant or order issued by a federal or state judge or magistrate based on probable cause and legally sufficient to compel compliance by the City.

“Surveillance” means observing, recording, monitoring, or collecting information about individuals for civil immigration enforcement purposes, including through cameras, license plate readers, drones, or other technologies.

2.68.030 Prohibited Uses of City Property.

Unless required by a valid judicial warrant or court order, no department, employee, official, contractor, or agent of the City shall knowingly permit City-owned or City-controlled property to be used for staging civil immigration enforcement operations; processing, interviewing, or temporarily detaining individuals for civil immigration purposes; surveillance or monitoring activities related to civil immigration enforcement; or as operations bases, coordination points, or logistical hubs for civil immigration enforcement actions.

2.68.040 Exceptions.

Nothing in this Chapter prohibits federal officers or employees from entering areas of City property generally open to the public. Nothing in this Chapter prevents the City or any City employee from complying with a valid judicial warrant or court order. Nothing in this Chapter restricts criminal law enforcement activities where civil immigration enforcement is not the primary purpose.

2.68.050 Implementation.

The City Manager, in consultation with the City Attorney, shall develop administrative procedures to implement this Chapter. City departments shall receive training, as appropriate, regarding the requirements of this Chapter.

2.68.060 Enforcement; No Private Right of Action.

This Chapter does not create or form the basis of liability on the part of the City or any City department, agency, official, or employee, nor does it create a private right of action against the City or any City personnel. This Chapter shall be implemented through existing administrative policies and procedures governing City operations. The City Manager may establish additional rules or regulations necessary to carry out the provisions of this Chapter.

SECTION 3. CEQA.

Approval of the proposed amendments is exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), which provides a general rule exemption for projects with no potential for a significant effect on the environment. Because this ordinance solely regulates the governmental use of existing City-owned or City-controlled property and does not authorize or require any physical construction, alteration of facilities, or change in land use, it can be seen with certainty that the ordinance will not result in any direct or reasonably foreseeable indirect physical environmental impacts.

SECTION 4. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council of the City of Pinole hereby declares that it would have passed each Section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 5. Effective Date.

In accordance with California Government Code Section 36937, this Ordinance shall take effect and be in force thirty (30) days after its final passage.

SECTION 6. Publication.

The City Clerk is directed to certify to the adoption of this ordinance and arrange for its posting and publication as required by law.

PASSED AND ADOPTED at a regular meeting of the Pinole City Council held on December 2, 2025, the City Council passed this Ordinance by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of Pinole on December 2, 2025.

Heather Bell, CMC
City Clerk