SAW:RLT:CAG
12/17/25

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

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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

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EXHIBIT A

City of San José, California

COUNCIL POLICY

TITLE PROHIBITING THE USE OF CITY PARKING LOTS, VACANT LOTS, AND GARAGES FOR CIVIL IMMIGRATION ENFORCEMENT STAGING AREAS, PROCESSING LOCATIONS, OR OPERATION BASES	**PAGE** 1 of 5	**POLICY NUMBER** 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

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

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.