

POLICY RESOLUTION NO. BDS-2025-135

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,

Adopted: 12/09/2025

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.

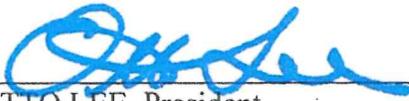
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on DEC 09 2025, by the following vote:

AYES: **ABE-KOGA, ARENAS, DUONG, ELLENBERG, LEE**

NOES: **NONE**

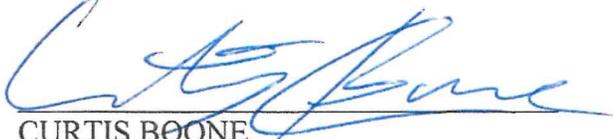
ABSENT: **NONE**

ABSTAIN: **NONE**


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:


CURTIS BOONE
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:


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.

- (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.