



URGENT ITEM AGENDA MATERIAL

Government Code Section 54954.2(b)
Rules of Procedure Chapter III.C.5

**THIS ITEM IS NOT YET AGENDIZED AND MAY OR MAY NOT BE
ACCEPTED FOR THE AGENDA AS A LATE ITEM, SUBJECT TO THE
CITY COUNCIL'S DISCRETION ACCORDING TO BROWN ACT RULES**

Meeting Date: October 28, 2025

Item Description: Limiting the Use of City Property and Facilities for City Purposes

This item is submitted pursuant to the provision checked below:

☒ **Emergency Situation (54954.2(b)(1) - majority vote required)**
Determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

☐ **Immediate Action Required (54954.2(b)(2) - two-thirds vote required)**
There is a need to take immediate action and the need for action came to the attention of the local agency subsequent to the agenda for this meeting being posted.

Once the item is added to the agenda (Consent or Action) it must be passed by the standard required vote threshold (majority, two-thirds, or 7/9).

Facts supporting the addition of the item to the agenda under Section 54954.2(b) and Chapter III.C.5 of the Rules of Procedure:

This item- Limiting Use of City Property and Facilities for City Purposes constitutes an “emergency situation” because of the imminent threats of a surge of immigration enforcement activities in the San Francisco Bay Area. On October 22, 2025, President Donald J. Trump announced the operational surge of Customs and Border Patrol (CBP), Immigration and Customs Enforcement (ICE) and potentially the National Guard in and around a 40-mile radius of the City and County of San Francisco. The City of Berkeley is 22 miles from San Francisco, deep within the designated target area. While the President announce the rescission of the immediate threat of a surge in immigration enforcement in San Francisco on October 23, 2025, the on-going threat looms over the region.

For this reason, it is urgent that the City of Berkeley designate open spaces and public parking lots be designated for the city purposes only, and not for the staging of federal immigration operations.



CONSENT CALENDAR

October 28, 2025

To: Honorable Members of the Berkeley City Council
From: Mayor Adena Ishii (author), Councilmembers Kesarwani, Lunaparra and Bartlett

Subject: Limiting the Use of City Property and Facilities for City Purposes

RECOMMENDATION

Direct the City Manager to identify City-owned and controlled properties, and to coordinate with the City Attorney to develop a policy or ordinance that would ensure City properties and facilities are only used for City purposes and those other purposes approved by the City Manager, or their designee.

BACKGROUND

On September 9, 2025 the Berkeley City Council passed the Sanctuary City Ordinance, codifying the long-standing policy that prohibits the City from assisting or cooperating with federal immigration enforcement in various respects.

The success of our city depends on the ability of all residents, regardless of immigration status, to engage fully in civic life. To this end, all residents should be able to access City facilities and properties for services without fear.

In recent weeks and months, we have observed across the country the commandeering of city-owned facilities for immigration enforcement, an activity that is solely the responsibility of the federal government. In response, the Mayor of Chicago issued an executive order prohibiting the use of municipal facilities, including parking lots, garages, and vacant land, for the staging of federal civil immigration enforcement activities. The City of San Jose and the County of Santa Clara are also considering policies that protect their community facilities and spaces from appropriation for federal purposes.

The City of Berkeley must protect its limited resources to provide services to its residents. The use of city property for federal immigration enforcement operations bases, staging or surveillance without permission ignores the intended purposes of such assets, and interferes with the city's use of its own property.

ANALYSIS: The recommendation would ensure city assets are not misappropriated and used in a manner that inhibits our residents' access to city services.

Direction to the City Manager in coordination with the City Attorney to:

- Conduct an Inventory and Assessment
 - Identify all city-owned and city-controlled properties, including open spaces and publicly accessible parking lots that could be misused for non-city purposes.
- Policy or Ordinance Development
 - Draft an administrative policy or ordinance to ensure that city property is used for city purposes, restricting the use of county-owned property for civil immigration enforcement staging areas, processing locations or operations bases, absent lawful court orders.
 - Establish a process for posting signage on city properties, limiting use to city purposes.
- Reporting Protocol
 - Develop procedures requiring city staff to report any misuse of city property.
- Legal Review:
 - Ensure compliance with federal and state law, while maximizing local authority to retain control of its property for city purposes

FINANCIAL IMPLICATIONS

No General Fund impact.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with adopting this recommendation.

CONTACT PERSON

Mayor Adena Ishii (510) 981-7100