

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, JANUARY 13, 2026**

MINUTE ORDER NO. 8

SUBJECT: ADOPT AN ORDINANCE ADDING ARTICLE LXV OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES RELATING TO LAW ENFORCEMENT ACCESS TO COUNTY FACILITIES (JANUARY 13, 2026- FIRST READING; JANUARY 28, 2026 - SECOND READING UNLESS ORDINANCE IS MODIFIED ON SECOND READING) (DISTRICTS: ALL)

OVERVIEW

On October 21, 2025 (17), the San Diego County Board of Supervisors (Board) directed the Chief Administrative Officer (CAO) to draft a Civil Liberties Enforcement and Accountability Rules (CLEAR) Ordinance based upon the Due Process and Safety Ordinance adopted by the City of San Diego City Council on October 21, 2025.

Based on direction from the Board, staff returned on November 18, 2025 (20) and then again on December 9, 2025 (20) with a draft ordinance that restricts access to non-public areas of County of San Diego (County) facilities by law enforcement without a judicial warrant or court order. It also directs the posting of clear, multilingual signage in County buildings to inform residents of their rights. Finally, it extends certain requirements to County contractors, grantees, and leaseholders, ensuring consistent and enforceable civil rights safeguards across County partnerships and funded programs. Additional direction was provided by the Board on December 9, 2025 (20) to amend the language in the draft ordinance.

Today's recommendation requests that the Board consider the introduction of an ordinance based upon the Due Process and Safety Ordinance adopted by the City of San Diego City Council including the amendments presented on December 9th. If the Board acts as recommended, then on January 28, 2026, the Board is requested to adopt the ordinance (second reading) and take related actions. If the proposed ordinance is altered on January 28, 2026, then on that date, a subsequent meeting date will be selected for the ordinance's adoption.

**RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER**

On January 13, 2026:

1. Consider the recommendation to approve the introduction of the Ordinance (first reading):
AN ORDINANCE ADDING ARTICLE LXV OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES RELATING TO LAW ENFORCEMENT ACCESS TO COUNTY FACILITIES

If, on January 13, 2026, the Board takes action within recommendation #1 above, then on January 28, 2026:

1. Consider and adopt the Ordinance:
AN ORDINANCE ADDING ARTICLE LXV OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES RELATING TO LAW ENFORCEMENT ACCESS TO COUNTY FACILITIES

EQUITY IMPACT STATEMENT

The proposed action aims to promote fairness and equal treatment in the justice system by preventing discriminatory practices that disproportionately impact immigrant communities. This approach supports the County's commitment to social justice and inclusion, fostering trust and cooperation between immigrant communities and the County, which is essential for effective in keeping all of our communities safe.

SUSTAINABILITY IMPACT STATEMENT

The proposed action supports the County's Sustainability Goal #2 of providing just and equitable access to County services to promote equity, transparency, and community trust. Multilingual signage and clear communication of rights enhance accessibility and civic engagement. Overall, the ordinance supports transparency into County operations and community partnerships.

FISCAL IMPACT

Funds for today's actions are included in the Fiscal Year 2025-26 Operational Plan based on existing staff time in the Department of Purchasing & Contracting and the County Communications Office based on Charges for Services to client departments and General Purpose Revenue, respectively. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION 8.1:

ON MOTION of Supervisor Lawson Remer, seconded by Supervisor Aguirre, the Board of Supervisors took action as recommended, and took action to further consider and adopt the Ordinance on January 28, 2026.

AYES: Aguirre, Lawson Remer, Montgomery Steppe

NOES: Anderson

ABSENT: Desmond

ACTION 8.2:

ON MOTION of Supervisor Aguirre, seconded by Supervisor Lawson Remer, the Board of Supervisors reconsidered the action taken on item 8.

AYES: Aguirre, Anderson, Lawson Remer, Montgomery Steppe

ABSENT: Desmond

ACTION 8.3:

ON MOTION of Supervisor Aguirre, seconded by Supervisor Lawson Remer, the Board of Supervisors took action as recommended, and approved the introduction of the Ordinance, noting the following changes to further consider and adopt the Ordinance on January 28, 2026:

SEC 967 Access to County Facilities

Federal law enforcement agency personnel, out-of-state law enforcement personnel, and private parties acting under the color of law enforcement authority shall not be given access to any non-public area of a County facility for the purpose of carrying out law enforcement activities where the alleged

criminal activity is a protected personal characteristic or protected personal activity unless access is required by law or by a judicially issued warrant or court order.

This section does not prohibit access to County facilities by federal law enforcement agency personnel or out-of-state law enforcement personnel in the following circumstances:

- (a) In response to an imminent threat to life or public safety pursuant to a narrowly tailored policy adopted by the Chief Administrative Officer; or
- (b) As part of an inspection under regulatory authority;

The Chief Administrative Officer shall report access to non-public areas of a County facility by any federal law enforcement agency personnel, out-of-state law enforcement personnel, and private parties acting under the color of law enforcement authority for the purpose of carrying out law enforcement activities where the alleged criminal activity is a protected personal characteristic or protected personal activity to the Board of Supervisors in writing within three business days of the access.

- (c) ~~The requirements of this section shall be included in any agreement to provide services to the public on behalf of the County from non-County facilities.~~

SEC. 969 Contractor and Vendor Compliance

(a) Required Policy Adherence

For all County agreements advertised and executed on or after the effective date of this Division, contractors, lessees, and grantees must comply with the following requirements, where applicable shall include language requiring the following:

- (a) Compliance with all applicable State laws relating to cooperation with law enforcement;
- (b) Maintaining any information relating to a protected personal characteristic or protected personal activity received or obtained as part of its performance of the County agreement confidential, and prohibiting the sharing or transmitting of such information to any third party unless required to do so under federal, State or local law, or to perform the County agreement;
- (c) The provisions of subsections (a) and (b) to be included in any subcontracts entered into related to the performance of the County agreement;
- (d) For agreements to operate County facilities or provide services to the public on behalf of the County from non-County facilities, compliance with section 967 and display of public-facing signage required by section 970, where applicable;
- (e) For agreements to provide services to County residents or handle personal information of County residents, notice to the County within five business days of any request from federal law enforcement personnel, out-of-state law enforcement personnel, or a private party acting under the color of law enforcement authority for assistance with any law enforcement activity where the alleged criminal activity is a protected personal characteristic or protected personal activity.

(b) Exceptions

~~The Director of Purchasing and Contracting or the Director of General Services may waive the requirements of this Section 969 where contracting is necessary for the provision of essential services or to protect life or property, and where there is insufficient time to request an exception from the Board of Supervisors. A waiver must be reported to the Board of Supervisors within 30 days, and any contract executed pursuant to a waiver is limited to one year in duration.~~

AYES: Aguirre, Lawson-Remer, Montgomery Steppe
NOES: Anderson
ABSENT: Desmond

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter