

1 OFFICE OF THE COUNTY COUNSEL
2 COUNTY OF SANTA CLARA
3 JAMES R. WILLIAMS - # 271253
4 County Counsel
5 james.williams@cco.sccgov.org
6 GRETA S. HANSEN - # 251471
7 L. JAVIER SERRANO - # 252266
8 DANIELLE L. GOLDSTEIN - # 257486
9 KAVITA NARAYAN - # 264191
10 JULIE WILENSKY - # 271765
11 JULIA B. SPIEGEL - # 292469
12 ADRIANA L. BENEDICT - # 306936
13 70 West Hedding Street
14 East Wing, Ninth Floor
15 San Jose, CA 95110-1770
16 Telephone: 408 299-5900
17 Facsimile: 408 292-7240

KEKER, VAN NEST & PETERS LLP
JOHN W. KEKER - # 49092
jkeker@keker.com
ROBERT A. VAN NEST - # 84065
rvannest@keker.com
DANIEL PURCELL - # 191424
dpurcell@keker.com
CODY S. HARRIS - # 255302
charris@keker.com
NICHOLAS S. GOLDBERG - # 273614
ngoldberg@keker.com
EDWARD A. BAYLEY - # 267532
ebayley@keker.com
633 Battery Street
San Francisco, CA 94111-1809
Telephone: 415 391 5400
Facsimile: 415 397 7188

11 ATTORNEYS FOR PLAINTIFF COUNTY OF SANTA CLARA

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

16 COUNTY OF SANTA CLARA,

17 Plaintiff,

18 v.

19 DONALD J. TRUMP, President of the
20 United States of America, ELAINE DUKE,
21 in her official capacity as Acting Secretary
22 of the United States Department of
23 Homeland Security, JEFFERSON B.
24 SESSIONS, in his official capacity as
25 Attorney General of the United States,
26 JOHN MICHAEL "MICK" MULVANEY,
27 in his official capacity as Director of the
28 Office of Management and Budget, and
DOES 1-50,

Defendants.

Case No. 17-cv-00574-WHO

**DECLARATION OF COUNTY OF SANTA
CLARA COUNTY EXECUTIVE JEFFREY
V. SMITH IN SUPPORT OF PLAINTIFF
COUNTY OF SANTA CLARA'S MOTION
FOR SUMMARY JUDGMENT**

Date: October 4, 2017
Time: 2:00 pm
Dept: Courtroom 2, 17th Floor
Judge: Hon. William Orrick

Date Filed: February 3, 2017

Trial Date: April 23, 2018

1 I, Jeffrey V. Smith, M.D., J.D., hereby declare as follows:

2 1. I am the County Executive of the County of Santa Clara (the “County”). I submit
3 this Declaration in support of the County of Santa Clara’s Motion for Summary Judgment. I have
4 personal knowledge of the facts stated herein and, if called as a witness, I could testify to them
5 competently under oath.

6 2. The County Executive is the chief administrative officer of the County, and is
7 responsible for the proper administration the County’s operations. Pursuant to the County’s
8 Charter, the County Executive is responsible for supervising and directing the preparation of the
9 annual recommended budget, which is submitted to the Board of Supervisors for final approval.
10 The annual budget is the major annual policy document for the County. The budget identifies the
11 Board of Supervisors’ policy priorities for the County and allocates projected resources and
12 funding in order to implement those policy priorities. Once the budget is approved by the Board
13 of Supervisors, it is the responsibility of the County Executive to assure that those policy
14 priorities are implemented with the allocated resources.

15 3. In my role as County Executive, I perform these budgeting and policy functions. I
16 have been the County Executive since September 2009 and have completed, and overseen
17 implementation of, several budgets and policy priorities for the County.

18 4. I am familiar with Executive Order 13768 of January 25, 2017, entitled
19 “Enhancing Public Safety in the Interior of the United States” (the “Executive Order”). Prior to
20 the Court’s April 25, 2017 decision granting the County’s motion for preliminary injunction, our
21 County faced the threat that the Executive Order would withdraw all of our federal funding.

22 5. The County provides many community services that hold together the fabric of
23 society in the region. For example, the County provides:

- 24 • Hospital and outpatient medical and psychiatric services for both the vulnerable
- 25 members of our community and all those in need (including a Level 1 trauma
- 26 center, the only inpatient rehabilitation unit in the region, a unique burn unit for
- 27 the region, and a critical neonatal intensive care unit);
- 28 • Child protective services;

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- Foster care services;
- Adult protective services;
- Food for the elderly;
- In home supportive services that provide the ability for individuals with disabilities to stay home;
- Ongoing mental health services;
- Ongoing substance abuse services;
- General social assistance for individuals in poverty, including the program previously known as “food stamps;”
- Criminal justice services including custody, patrol, probation, public defense, prosecution, and community services;
- Regional emergency response services and communication;
- Public health services, including disease control and pandemic response; and,
- General government services such as property assessment, tax collection, clerk recorder, finance and investment for regional governmental agencies.

6. In order to provide these services, the County receives resources from local taxes, the State of California, and the federal government. Although the County’s budgeted expenditures are approximately \$6 billion, for fiscal year 2015-2016 that ended on June 30, 2016, total County audited actual revenues were approximately \$4.8 billion. Of this amount, approximately \$1.7 billion was either direct federal funding or funding that is contingent on the receipt of federal funds. Thus, if not permanently enjoined, the Executive Order’s threat to withdraw all federal funding from the County would eliminate approximately 35% of the County’s annual revenues. Such an action would decimate the County budget and cause immediate and devastating injury to the 1.9 million residents who rely on the essential services that the County provides.

7. Most of the services that are provided by the County with federal funding are “entitlement” programs that are mandated by either the federal or state government, and many of the services are interrelated with other state and federal programs either because beneficiaries

1 receive services from multiple programs, or because one service facilitates or enables the County
2 to provide another service. Thus, the loss of so much revenue would have a severe cascading
3 effect upon services; the County would be unable to provide both “entitlement” services and other
4 critical community services. Both federal programs and other programs would be lost or
5 paralyzed.

6 8. Before it was enjoined, the Executive Order forced the County into an untenable
7 policy and financial situation: The County could have continued to provide services to its
8 residents without any assurance that it will be reimbursed by the federal government for those
9 services, or, in conflict with the Board of Supervisors’ previously adopted policy priorities, it
10 could have discontinued essential and mandatory services to its residents. Either course would
11 have resulted in devastating policy and financial consequences for the County and substantial,
12 irreparable harm to its residents.

13 9. Indeed, any action by the County to reduce programs supported by federal funds to
14 a level sustainable in the absence of federal funding would be so dramatic that it would quickly
15 put the community in a crisis. Such a dramatic reduction of services provided by the County
16 would also require a significant reduction of County staff and contracted community based
17 organizations currently providing those services, and thousands of individuals could lose their
18 jobs.

19 10. The potential impact of the cumulative loss of federal revenue is of such
20 magnitude that the County would not be able to absorb it even if the County took drastic actions
21 such as closing the health and hospital system, eliminating mandated social service programs,
22 closing the County jails, curtailing sheriff patrol services to dangerous levels, eliminating
23 emergency response services, decimating public health, mental health, and substance abuse
24 services, and reducing all general government services. The ongoing loss of all federal revenue
25 could have caused the County to go into bankruptcy. The Court’s preliminary injunction order
26 helped ease the uncertainty created by the Executive Order’s threat to withdraw all federal funds
27 and allowed the County to continue providing these critical services to the community.
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1 11. The Executive Order seeks to abrogate and undermine the County's policy
2 objectives as determined by our local policymakers, law enforcement, and community
3 representatives. Succumbing to the Executive Order also risks violating the constitutional rights
4 of the County's residents if it honors federal immigration civil detainers, to say nothing of the
5 significant County resources that would have to be devoted to such an effort. The preliminary
6 injunction helped to reduce the policy and financial uncertainty created by the Executive Order,
7 but a permanent injunction is necessary so that the County's policy priorities may be
8 implemented and critical services provided without the Executive Order's continuing threat to
9 take away all the County's federal funds.

10 I declare under penalty of perjury under the laws of the United States that the foregoing is
11 true and correct and that this Declaration was executed on August 18, 2017 in August,
12 California. San Jose

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