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

14 COUNTY OF SANTA CLARA,
15 Plaintiff,
16 v.

17 DONALD J. TRUMP, President of the
18 United States of America, JOHN F. KELLY,
19 in his official capacity as Secretary of the
20 United States Department of Homeland
21 Security, DANA J. BOENTE, in his official
22 capacity as Acting Attorney General of the
23 United States, JOHN MICHAEL "MICK"
MULVANEY, in his official capacity as
Director of the Office of Management and
Budget, and DOES 1-50,
Defendants.

Case No. 17-cv-00574-WHO

**DECLARATION OF SANTA CLARA
COUNTY EXECUTIVE JEFFREY V.
SMITH**

Date: April 5, 2017
Time: 2:00 p.m.
Dept.: Courtroom 2
Judge: Hon. William H. Orrick

Date Filed: February 3, 2017

Trial Date: Not yet set

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 have
3 personal knowledge of all facts stated in this declaration, and if called to testify, I could and
4 would testify competently thereto.

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

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

17 4. I am familiar with Executive Order 13768 of January 25, 2017, entitled
18 "Enhancing Public Safety in the Interior of the United States" (the "Order"). The Order threatens
19 to withdraw federal funding from the County.

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

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

- 1 • Food for the elderly;
- 2 • In home supportive services that provide the ability for individuals with disabilities
- 3 to stay home;
- 4 • Ongoing mental health services;
- 5 • Ongoing substance abuse services;
- 6 • General social assistance for individuals in poverty, including the program
- 7 previously known as “food stamps”;
- 8 • Criminal justice services including custody, patrol, probation, public defense,
- 9 prosecution, and community services;
- 10 • Regional emergency response services and communication;
- 11 • Public health services, including disease control and pandemic response; and,
- 12 • General government services such as property assessment, tax collection, clerk-
- 13 recorder, finance and investment for regional governmental agencies.

14 6. In order to provide these services, the County receives resources from local taxes,
 15 the State of California, and the federal government. Although the County’s budgeted
 16 expenditures for the current fiscal year are approximately \$6 billion, for the fiscal year that ended
 17 on June 30, 2016, total County audited actual revenues were approximately \$4.8 billion. Of this
 18 amount, approximately \$1.7 billion was either direct federal funding or funding that is contingent
 19 on the receipt of federal funds. Thus, withdrawal of all federal funding from the County would
 20 eliminate approximately 35% of the County’s annual revenues. Such an action would decimate
 21 the County budget and cause immediate and devastating injury to the 1.9 million residents who
 22 rely on the essential services that the County provides.

23 7. Most of the services that are provided by the County with federal funding are
 24 “entitlement” programs that are mandated by either the federal or state government, and many of
 25 the services are interrelated with other state and federal programs either because beneficiaries
 26 receive services from multiple programs, or because one service facilitates or enables the County
 27 to provide another service. Thus, the loss of so much revenue would have a severe cascading
 28 effect upon services; the County would be unable to provide both “entitlement” services and other

1 critical community services. Both federal programs and other programs would be lost or
2 paralyzed.

3 8. Worse yet, without preliminary relief and clarification regarding the legality and
4 effect of the Order, the County will likely have to wait years before a final decision is issued in
5 this case. In the interim, the County will be in an untenable financial situation, and decisions that
6 must be made while awaiting a final decision could cause the County to go into a financial crisis.

7 9. Without early resolution, I believe the County will be forced to take one of two
8 very risky courses: The County could continue to provide services to its residents without any
9 assurance that it will be reimbursed by the federal government for those services, or it can
10 discontinue essential and mandatory services to its residents. Either course would result in
11 devastating consequences for the County and substantial, irreparable harm to its residents.


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

18 11. The potential impact of the cumulative loss of federal revenue is of such
19 magnitude that the County would not be able to absorb it even if the County took drastic actions
20 such as closing the health and hospital system, eliminating mandated social service programs,
21 closing the County jails, curtailing sheriff patrol services to dangerous levels, eliminating
22 emergency response services, decimating public health, mental health, and substance abuse
23 services, and reducing all general government services to below minimums. The ongoing loss of
24 all federal revenue could cause the County to go into bankruptcy.

25 12. Attempting to comply with the Order is not viable for several reasons. First, it is
26 uncertain what actions the County must take to comply. Second, it would abrogate and
27 undermine the County's policy objectives as determined by our local policymakers. And I
28 understand that the County risks violating the constitutional rights of its residents if it honors

1 federal immigration civil detainees, to say nothing of the significant County resources that would
2 have to be devoted to such an effort.

3 I declare under penalty of perjury under the laws of the United States of America that the
4 foregoing is true and correct and that this Declaration was executed on February 21 2017 in
5 Santa Clara County, California.

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9 JEFFREY V. SMITH
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