

1 OFFICE OF THE COUNTY COUNSEL
 2 COUNTY OF SANTA CLARA
 3 JAMES R. WILLIAMS - # 271253
 County Counsel
 james.williams@cco.sccgov.org
 4 GRETA S. HANSEN - # 251471
 L. JAVIER SERRANO - # 252266
 5 DANIELLE L. GOLDSTEIN - # 257486
 KAVITA NARAYAN - # 264191
 6 JULIE WILENSKY - # 271765
 JULIA B. SPIEGEL - # 292469
 7 ADRIANA L. BENEDICT - # 306936
 8 70 West Hedding Street
 East Wing, Ninth Floor
 9 San Jose, CA 95110-1770
 Telephone: 408 299-5900
 10 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
 13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 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,
 in her official capacity as Acting Secretary
 21 of the United States Department of
 Homeland Security, JEFFERSON B.
 22 SESSIONS, in his official capacity as
 Attorney General of the United States,
 23 JOHN MICHAEL "MICK" MULVANEY,
 24 in his official capacity as Director of the
 Office of Management and Budget, and
 25 DOES 1-50,

26 Defendants.

Case No. 17-cv-00574-WHO

**DECLARATION OF ROBERT
 MENICOCCI 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, Robert Menicocci, declare and state as follows:

2 1. I am a resident of the State of California.

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

6 3. I am the Director of the County of Santa Clara's ("County") Social Services
7 Agency. I have held the Social Services Agency Director position from 2015 to the present. I am
8 responsible for overseeing more than 2,800 Social Services Agency employees who provide a
9 wide array of social services throughout the entire County, including all 15 cities within the
10 County and the County's unincorporated areas. One of the largest agencies in County
11 government, the Social Services Agency represents approximately 12% of the entire County
12 budget.

13 4. Prior to becoming the Social Services Agency Director, I served in financial
14 management capacities at two California counties, Lake County and Santa Barbara County. I was
15 also previously employed for two years as a Deputy Commissioner for Management and Budget
16 for the Commonwealth of Massachusetts's Department of Mental Health. I also served for six
17 years as the Chief Financial Officer and Vice President of AP Associates, a consulting firm in
18 Massachusetts that specialized in public consultation on a variety of federal, state, and local rules,
19 regulations, policies, and procedures to enable its public-agency clients to have maximum access
20 to financial resources.

21 5. The mission of the County's Social Services Agency is to provide resources and
22 opportunities in order to enhance the quality of life in our community by protecting and
23 delivering necessary services to individuals and families.

24 6. In Fiscal Year 2015-2016—the most recent fiscal year for which audited financial
25 data is currently available— from July 1, 2015 through June 30, 2016, the Social Services
26 Agency's total expenditures were approximately \$775 million. During the same fiscal year, the
27 Social Services Agency received approximately \$311 million of revenue from federal funds. The
28 Social Service Agency also received approximately \$371 million in revenue from state funds

1 during Fiscal Year 2015-2016. Although audited figures for Fiscal Year 2016-2017 are not yet
2 final and Fiscal Year 2017-2018 has just begun, I expect the Social Service Agency's
3 expenditures for these years to be consistent with, and likely somewhat larger than, those for
4 Fiscal Year 2015-2016.

5 7. I am familiar with Executive Order 13768 of January 25, 2017, entitled
6 "Enhancing Public Safety in the Interior of the United States" (the "Order"). That Order
7 threatens to withhold federal funds from "sanctuary jurisdictions." Before the issuance of the
8 Order, the Social Service Agency's budgeted federal revenue was expected to be higher in Fiscal
9 Years 2016-2017 and 2017-2018 than Fiscal Year 2015-2016.

10 8. All of the Social Services Agency's federal funds pass through the State of
11 California to the County, and more than 99% of these are reimbursement-based. This means that
12 the County expends resources for critical services upfront with a contractual promise to be
13 reimbursed at a later period.

14 9. The Social Services Agency serves County residents through three departments:
15 (1) the Department of Aging and Adult Services; (2) the Department of Employment and Benefit
16 Services; and (3) the Department of Family and Children's Services.

17 10. The Department of Aging and Adult Services serves seniors, dependent adults, and
18 the disabled through the delivery of protective services, quality nutrition, and supportive in-home
19 services. In addition, the Department of Aging and Adult Services evaluates community needs,
20 develops programs and services, and advises on matters of policy that concern the welfare of
21 seniors and persons with disabilities. Department of Aging and Adult Services programs funded
22 with federal dollars include In-Home Supportive Services, the Senior Nutrition Program, and
23 Adult Protective Services.

24 11. In-Home Supportive Services is a federally, state-, and locally funded program
25 designed to provide assistance to eligible elderly, blind, and disabled County residents who,
26 without this care, would be unable to remain safely in their own homes. This program provides
27 services according to the recipient's ability to perform daily activities, and can include feeding,
28 bathing, dressing, housekeeping, laundry, shopping, meal preparation and clean up, respiration,

1 bowel and bladder care, moving in and out of bed, accompaniment to medical appointments,
2 paramedical services, and protective supervision. In Fiscal Year 2015-2016, the In-Home
3 Supportive Services program served an average of over 21,000 County residents each month. It
4 received over \$45 million in federal funds and over \$86 million in state funds that year.

5 12. The Senior Nutrition Program provides meals to seniors and promotes the role of
6 nutrition in preventive health and long-term care. All meals are planned to meet one-third of the
7 daily recommended dietary allowances for adults and are approved and monitored by a staff of
8 Registered Dietitians. In Fiscal Year 2015-2016, the Senior Nutrition Program served nearly
9 650,000 meals at 39 sites in addition to providing more than 680,000 home-delivered meals. The
10 Senior Nutrition Program received over \$2 million in federal funds in Fiscal Year 2015-2016.

11 13. The Department of Employment and Benefit Services provides low-income
12 County residents with access to programs that provide health insurance, employment services,
13 foster care benefits, food assistance, and support for basic living costs. In doing so, it promotes
14 the transition of public assistance recipients to employment and self-sufficiency. Federally-
15 funded programs for which the Department of Employment and Benefit Services provides
16 eligibility, enrollment, maintenance, and transitional services include Medi-Cal, CalWORKs,
17 CalFresh, and Refugee Cash Assistance.

18 14. Medi-Cal provides healthcare coverage to low-income families and individuals,
19 seniors, persons with disabilities, foster-care children, and pregnant women. During Fiscal Year
20 2015-2016, each month approximately 411,000 County residents received a broad spectrum of
21 medical services through Medi-Cal such as preventive and primary care, pre-natal care, mental
22 health services, long-term care, and both vision and dental coverage. Thirty-eight percent of the
23 County's Medi-Cal recipients were children. In Fiscal Year 2015-2016, the Social Services
24 Agency received over \$74 million in federal funds and over \$73 million in state funds for Medi-
25 Cal and other health-related administrative expenses.

26 15. The CalWORKs program helps eligible families become self-supporting through
27 temporary cash aid, child care, and assistance in finding and keeping a job. During Fiscal Year
28 2015-2016, over 19,000 County residents received CalWORKs benefits each month.

1 Approximately 80 percent of these beneficiaries were children. The Department of Employment
2 and Benefit Services provided employment training services to an average of 2,663 County
3 residents per month. In Fiscal Year 2015-2016, the Social Services Agency received over \$91
4 million in federal funds and over \$58 million in state funds for CalWORKs and other programs
5 related to Temporary Assistance for Needy Families.

6 16. CalFresh helps low-income County residents buy food by using a benefit card at a
7 grocery store or other authorized place. During Fiscal Year 2015-2016, CalFresh assistance was
8 provided to an average of 109,000 County residents each month. In Fiscal Year 2015-2016, the
9 Social Services Agency received over \$30 million in federal funds and over \$36 million in state
10 funds to administer CalFresh for County residents.

11 17. The Department of Family and Children's Services provides child welfare services
12 to protect, prevent, and remedy abuse and neglect of children while advancing child and family
13 safety and well-being. It promotes diversion, prevention, and in-home services to prevent the
14 removal of children from their homes and to support less restrictive placement options for
15 children that have been removed from their homes. In doing so, the Department of Family and
16 Children's Services partners with diverse community organizations to ensure that any child or
17 youth who is at risk or has suffered abuse or neglect is safe, cared for and grows up in a stable,
18 loving family, on a path to reaching their unique potential.

19 18. Child welfare services include emergency response services, family maintenance
20 services, family reunification services, and permanent placement services for children or youth at
21 risk of abuse and neglect, children in out-of-home placements, and adopted children. During each
22 month of Fiscal Year 2015-2016, the Department of Family and Children's Services received an
23 average of 1,202 child abuse and neglect referrals. Each month, family maintenance services
24 were provided to an average of 722 children living in their homes, and services to assist with
25 independent living were provided to an average of 225 youth transitioning from out-of-home
26 care. There were an average of 1,243 children in out-of-home placements each month. In
27 addition, during Fiscal Year 2015-2016, approximately 3,000 families of adopted children with
28 special needs received assistance through the Adoption Assistance Program. In Fiscal Year 2015-

1 2016, the Social Services Agency received over \$63 million in federal funds and over \$105
2 million in state funds for child welfare services.

3 19. The elimination of federal funding to the County would be devastating for the
4 Social Services Agency. It would result in a drastic and across-the board reduction of services
5 and staff positions in the Department of Aging and Adult Services, the Department of
6 Employment and Benefit Services, and the Department of Family and Children's Services. The
7 Social Services Agency's direct services primarily benefit low-income individuals, children,
8 seniors, and people with disabilities. Many if not most of the Social Service Agency's clients
9 lack financial or other means to otherwise obtain the services they need.

10 20. The loss of In-Home Supportive Services funding would require more than 20,000
11 frail and elderly County residents to be placed in convalescent homes or require family members
12 to forego gainful employment in order to care for them at home, assuming they have family
13 members who are willing and able to do so.

14 21. The loss of the Senior Nutrition Program funding would deny thousands of seniors
15 in the County reliable access to healthy and nutritious food.

16 22. The loss of funding for Medi-Cal enrollment and benefits administration could
17 cause more than 400,000 low-income County residents to lose health coverage and would
18 drastically decrease revenue to the County's safety-net Health and Hospital System.

19 23. The loss of funding for CalFresh benefits administration would cause more than
20 100,000 County residents to go hungry each year.

21 24. The loss of CalWORKs funding would deprive more than 19,000 County residents
22 striving to become self-sufficient with the assistance needed to achieve that goal.

23 25. The loss of Adoption Assistance Program funding would reduce access to therapy
24 and other necessary services for approximately 3,000 disabled children with complicated medical
25 conditions.

26 26. The loss of funding for child welfare services, including foster care, would subject
27 thousands of the County's most vulnerable children to abuse and neglect.
28

1 27. The loss in federal funding would force the Social Services Agency to narrow its
2 focus, cutting back its portfolio of services to the minimum that the Social Services Agency is
3 mandated by state law to provide, including certain child welfare services, adult protective
4 services, public guardian and public administrator services, and cash assistance for the County’s
5 neediest residents. Ultimately, because the Social Services Agency provides many of the core
6 services to combat poverty and insecurity at the local level, a loss of its federal funding to the
7 Social Services Agency would result in poorer educational and economic outcomes for children,
8 decreased quality of life and life expectancy for seniors, and tremendous uncertainty for families
9 who are striving to become productive members of society.

10 28. Moreover, the loss of federal funding would be felt far beyond the County
11 residents who directly rely on the Social Services Agency’s safety-net services. More than half of
12 the Social Services Agency’s 2,800+ coded positions are funded at least in part by federal dollars.
13 An additional approximately 23,000 individuals working under contract with the Social Services
14 Agency providing food, counseling, domestic violence intervention, child abuse prevention, day
15 care, senior services, legal services, emergency shelter, health care, immigration counseling, job
16 training, education, and social adjustment programs were fully or partially supported by federal
17 dollars in Fiscal Year 2015-2016.

18 29. The Court’s issuance of preliminary injunction protected the Social Services
19 Agency from being denied federal funds as a result of the Order and allowed the Agency to
20 continue providing critical services to some of the neediest members of the County.

21 30. A permanent injunction is necessary to allow the Social Services Agency to
22 continue to perform its core safety net functions without the devastating impact of the loss of
23 federal funds.

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



ROBERT MENICOCCI