

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 DANA REED,  
 DIRECTOR OF EMERGENCY  
 MANAGEMENT, 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, Dana Reed, declare and state as follows:

2 1. I am the Director of Emergency Management for the County of Santa Clara.

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 oversee the Office of Emergency Service (OES) as well as the Office of  
7 Emergency Management for the Santa Clara County Fire Department. I have held these positions  
8 for three years. Previously, I was a Deputy Fire Chief with the City of San José, California and  
9 also served as an Emergency Services Specialist with the NASA Ames Fire Department. Overall,  
10 I have worked in incident management and emergency management for nearly 35 years at  
11 multiple levels of government.

12 4. Under California's emergency management framework, OES is the lead  
13 emergency management agency for the Santa Clara County Operational Area (Op Area), which  
14 encompasses the geographical region of Santa Clara County and all the local jurisdictions—  
15 including cities, towns, and special districts—within it. The Op Area serves as an important  
16 communications link both among these local jurisdictions, and between local jurisdictions and the  
17 State of California, during emergency situations. Without the Op Area's coordination, local  
18 jurisdictions would lack a formal and centralized means of sharing intelligence and other  
19 information that is critical to community safety.

20 5. In its lead Op Area role, OES's core functions are to promote, facilitate, and  
21 support the efforts of the County and other local jurisdictions to prepare for, respond to, and  
22 recover from disasters, emergencies, and complex incidents of all types, including natural  
23 disasters, such as earthquakes and floods, and manmade incidents and events, such as terrorist  
24 attacks. OES is also responsible for coordinating emergency response in the unincorporated areas  
25 of the County.

26 6. Among its many responsibilities, OES coordinates emergency management  
27 training; engages in region-wide hazard planning; activates, staffs, and operates the Santa Clara  
28 County Emergency Operations Center, which services the County and the entire Op Area during

1 emergency incidents; and coordinates public and private efforts to recover following incidents.  
2 These efforts are all intended to benefit and safeguard the entire community. Immigration status  
3 plays no part in determining who receives training and preparedness support, assistance during  
4 and after proclaimed emergencies, or any other services from OES.

5 7. I am familiar with the President’s Executive Order entitled “Enhancing Public  
6 Safety in the Interior of the United States” (the “Executive Order”). I understand that the  
7 Executive Order threatens to withhold federal funds from “sanctuary jurisdictions.” The  
8 Executive Order puts the County in a place of uncertainty and insecurity given how much the  
9 County – including OES – relies on federal funds to deliver important services to our residents.

10 8. OES receives a significant amount of federal grant funding from the Department  
11 of Homeland Security’s Federal Emergency Management Agency (FEMA) that is administered  
12 by the State of California Governor’s Office of Emergency Services (Cal OES). These federal  
13 grants come from four different programs: the State Homeland Security Grant Program (SHSGP),  
14 the Emergency Management Performance Grant (EMPG) program, the Bay Area Urban Area  
15 Security Initiative (UASI), and the Pre-Disaster Mitigation (PDM) program. All four grant  
16 programs are critical to funding OES’s ability to help keep our community safe. In fact, federal  
17 grant funding represented about two-thirds of OES’s total budget for fiscal year 2016, and OES  
18 could not perform its current functions without it.

19 9. The federal funds under these grant programs are given on a reimbursement  
20 basis—in other words, although an overall sub-grant amount is determined by FEMA and Cal  
21 OES in advance for each fiscal year, the County actually receives the funds only after it submits  
22 documentation showing it has completed qualifying projects. In the meantime, the projects are  
23 funded by the County and by the cities, towns, and special districts that are carrying them out.  
24 The County currently has more than \$1.3 million in outstanding federal grant funding that has  
25 been expended, but not yet reimbursed, for fiscal year 2016.

26 10. SHSGP provides funding to ensure that local communities have the capability to  
27 prevent, protect against, mitigate, respond to, and recover from acts of terrorism. These efforts  
28 require the combined effort and trust of the entire community. Without SHSGP funds, the

1 County could not fund community-wide exercises to test responses to catastrophic events, help  
2 train first responders on terrorism response, create plans to ensure access and functional needs for  
3 residents with disabilities, or purchase critical equipment for hazard response. Losing SHSGP  
4 funding would also mean the County would not be reimbursed for salary and benefit costs of two  
5 existing positions at OES and three other positions that serve the entire Op Area, as well as  
6 purchases of critical equipment for hazard response and secure communications.

7 11. The County has already applied and been approved for an upcoming SHSGP  
8 award for fiscal year 2017. This award will fund 5.5 positions, as well as the purchase of Active  
9 Shooter Response body armor; a decontamination trailer; heavy-duty blast suits for bomb  
10 disposal; regional data warehouse and sharing exchange software and systems to allow for better  
11 region-wide coordination; and a mobile command vehicle. If SHSGP funds were withheld based  
12 on the Executive Order, these critical projects that contribute to the safety of the entire  
13 community would have to be abandoned.

14 12. EMPG funding supports state and local government activities to prevent, prepare  
15 for, mitigate against, respond to, and recover from emergencies and disasters of all types—such  
16 as earthquake, fire, and flood hazards; transportation system hazards; and intentional and/or  
17 terrorism-related threats.

18 13. OES currently uses EMPG funding to support a strong network of public and  
19 private agencies that work together to ensure community-wide emergency preparedness,  
20 including by:

- 21 i) distributing emergency planning materials to schools, community groups,  
22 and faith-based organizations;
- 23 ii) stocking emergency supply points for the community;
- 24 iii) obtaining specialized earthquake response training; and
- 25 iv) providing supplies and support to volunteer Community Emergency  
26 Response Teams, who are often the first line in assisting with disaster response before  
27 professional first responders are available.

28

1           14.     Because EMPG funding is crucial to OES's efforts to train local government  
2 employees throughout the Op Area in how best to respond to disasters, loss of that funding would  
3 significantly jeopardize community preparedness and resiliency throughout the County. Without  
4 EMPG funding, the County could not engage in collaborative and coordinated community-wide  
5 response efforts. In addition, if it were to lose EMPG funds, the County would not be reimbursed  
6 for the salary and benefits costs of one existing OES staff position.

7           15.     The County anticipates applying for EMPG funding for fiscal year 2017, and must  
8 engaging in significant planning ahead of time so that it can justify its funding request, as  
9 required by FEMA, by detailing qualifying projects in its grant application. Going forward,  
10 EMPG funds will continue to support the existing OES staff position, allow the County to provide  
11 region-wide disaster response and community preparedness training, and support the purchase of  
12 a shelter trailer for use during emergency incidents.

13           16.     UASI funding supports the County and other local agencies in urban areas in  
14 building region-wide capacity to prevent, protect against, mitigate, respond to, and recover from  
15 terrorist attacks and other catastrophes. UASI funding addresses multiple homeland security  
16 needs, including cybersecurity, communications interoperability, emergency medical needs and  
17 public health preparedness, public information and warning needs, and infrastructure protection.

18           17.     Without UASI funding, the County would lose funds needed to cover expenditures  
19 it has already made to enhance law enforcement agencies' public safety capabilities by  
20 purchasing Coplink software that allows police agencies to combine and analyze data from  
21 multiple sources, generate leads, and share investigatory data securely. The County would also  
22 have to abandon plans to purchase a map overlay/imaging system for the Sheriff's Office's  
23 helicopter, which performs a number of functions such as following suspects who flee from law  
24 enforcement officers, carrying out rescue missions, locating marijuana grows and other large-  
25 scale illegal activity in remote areas of the County, and providing air support during emergency  
26 incidents.

27           18.     The County has already applied and been approved for an upcoming UASI award  
28 for fiscal year 2017. With these federal funds, the County plans to purchase a helicopter

1 downlink system enabling communication between air personnel and those on the ground, acquire  
2 a bomb-detecting canine, and purchase radio systems to allow interoperable communications  
3 between law enforcement and local hospitals. These plans would have to be abandoned if the  
4 federal government withheld funds from the County based on its disagreement with the County's  
5 local immigration enforcement policies, which are wholly unrelated to the UASI program.

6 19. Finally, the County received a one-time grant of PDM funds, which support local  
7 government agencies in creating pre-disaster hazard mitigation programs to reduce public  
8 exposure to risk. With PDM funds, the County created a Local Hazard Mitigation Plan that lays  
9 out region-wide disaster mitigation priorities, including for water, power, wastewater,  
10 communications, and transportation systems. This process ensures that state and local hazard  
11 mitigation planning is coordinated to the greatest extent possible and that local strategies are in  
12 place to reduce vulnerabilities.

13 I declare under penalty of perjury under the laws of the United States that the foregoing is  
14 true and correct and that this Declaration was executed on August 25, 2017 in San José,  
15 California.

16  
17  
18   
19  
20  
21  
22  
23  
24  
25  
26

DANA REED